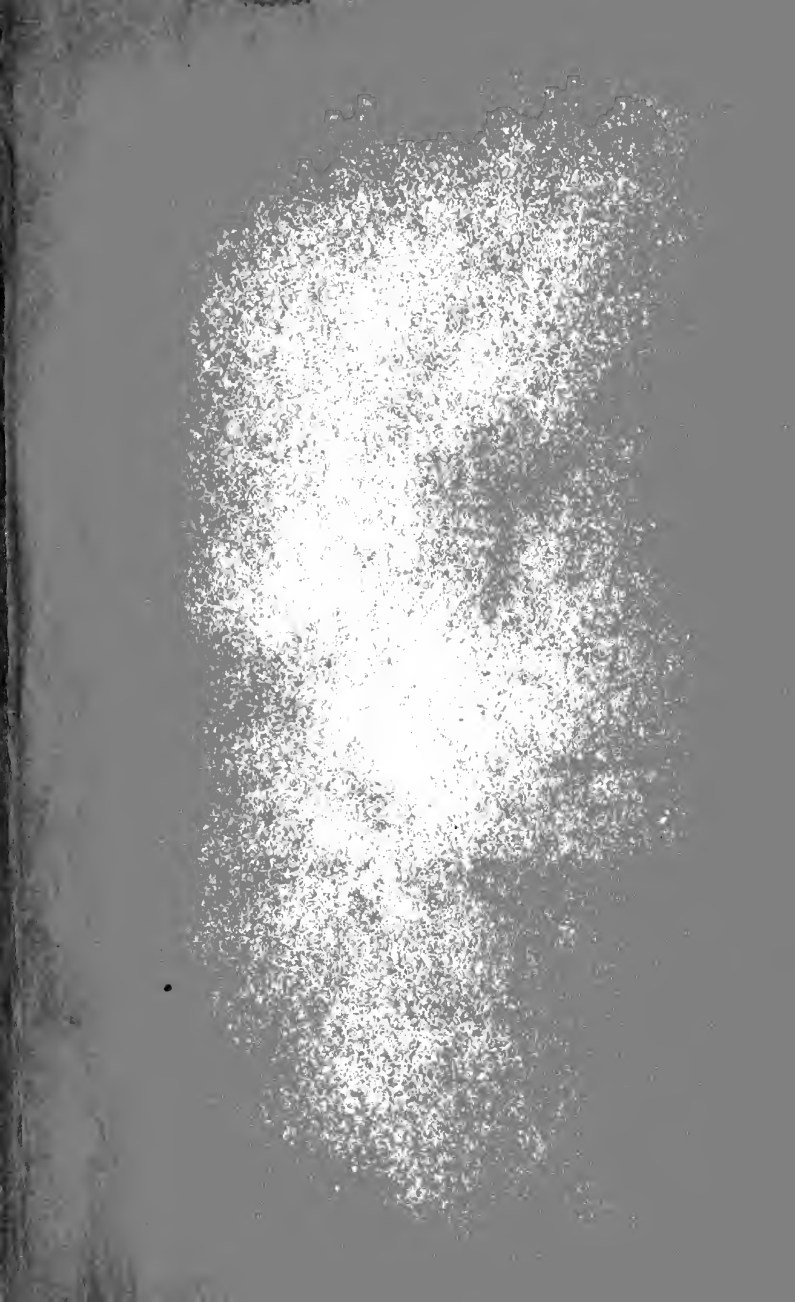

ONE SHILLING

THE CASE FOR THE FACTORY ACTS

Edited by

Mrs. SIDNEY WEBB

With a Preface by

Mrs. HUMPHRY WARD

GRANT RICHARDS

48 Leicester Square, London

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PREFACE

THE book to which these few words are prefixed needs no recommendation from me or from anyone else to press it on English attention. It is written by a group of students and practical workers well acquainted with the subjects on which they speak; and at their head stands that brilliant writer, economist and historian, Mrs Sidney Webb. For one who, like myself, has no special knowledge of the great matters with which they deal, to dwell in terms of criticism or even of praise on the work of writers led and marshalled by one of the two authors of "Industrial Democracy" would be impertinent and absurd. It seems to me that the *why* of Factory Legislation has never been more lucidly analysed than by Mrs Webb in her introductory essay; and that the story of that great movement, which, although still incomplete, has already revolutionised and regenerated the greater part of industrial England, has been told by Miss Hutchins with a clearness of summary statement not easily to be found elsewhere. But in saying so, I am only speaking as the first grateful reader of an interesting book, who turns to the

crowd of potential readers in this vast English public of ours with the beckoning finger which expresses his own profit and pleasure.

"This book," writes one of its authors, "is the outcome of a conference of men and women of all shades of opinion, yet agreeing in a common belief in the advantages of Factory Legislation, and especially in the advantages to working women of such legislation. At that conference it was decided to form a society—the Labour Law Association—having for its object the dissemination of knowledge of what the Factory Acts were, how they came about, and what had been their effects, especially upon working women. Miss Lily Montagu was appointed hon. secretary to the Association. As a first step the Association decided to get a small book written, giving the theory, history and practical results of the English Factory Acts, with some account of their defects. Mrs Sidney Webb and Miss Clementina Black—to whom Miss Tuckwell was afterwards added—were appointed to arrange for the preparation and publication of the book."

"*What the Factory Acts are—how they came about—and what have been their effects*"—Strange!—that of one of the noblest chapters in the history of the nineteenth century there should be so little general knowledge among us to-day.

The traveller from Manchester to Leeds, the summer travellers to Scotland by the West or East Coast lines, pass through the great factory districts of England. The train flashes, say, into some Yorkshire valley. You notice the stream, the great mill beside it, the stone houses ranged along the hillsides, the flat-topped moors—still lonely, they, as they were a century ago!—which close in the busy industrial life beneath. The woods are clipped and blackened ; the wild beauty of the stream is gone ; the houses and the mills multiply ; the valleys are more choked with building year by year. Nevertheless, the traveller who remembers anything of English industrial history looks out upon the scene with contentment, even with pride. He knows that if he descends into those streets, if he mingles with the crowd of operatives now pouring at six o'clock from the mill gates, he will find himself in the midst of a healthy energetic population, well fed, well clothed, well taught, independent to obstinacy, with plenty of faults of manner or of culture, but a *living* race, with access to all the essential goods of existence—decent food, clothing, and shelter, pure air and water, education, family life and happiness, reasonable leisure and all the manly interests of voter and citizen. The girls under their shawls, even when the day's confinement has paled their cheeks, have a happy human

look; the half-timers are running and tumbling over one another in the glee of release; the men and women, though they show some of the inevitable marks of sedentary occupation, are still worthy representatives of the tough north-country stock. As they turn into the village, they pass the Co-operative Store and the Mechanics' Institute which represent the common self-governing life of the place, its substantial comfort, its savings, its books, its popular lectures, its music. The children playing in the streets who have just had their "bagging" at home, after school, meet the half-timers coming from the mill, and the shouts of the merry turbulent creatures ring along the moors. The great mill, brightly lit, shines over the whole. You know that every detail of its space, its air, its cleanliness, the safety of its machines, the hours of its workers, is now regulated by a body of law which represents the common conscience of England, intervening to protect the workers who are the true wealth of the nation from the tyranny of a non-moralised competition. It is not yet an ideal England. You sigh for the purity of the river; for the revival of the woods blasted by the smoke which hangs too often like a pall over the country. You dream, it may be, of increased hours of leisure and recreation, enjoyed in nobler ways by a community for whom

drink and gambling have ceased to represent two of the leading pleasures of existence. And you read perhaps from those too numerous faces which, in these animated streets, show the signs of phthisical disease—the factory workers' scourge—the language of that natural law, "stern daughter of the voice of God," which is for ever urging and admonishing mankind—driving us to fresh effort, holding us to the tasks of science and humanity.

Still, as the mill and the village, the stream and the moving crowds pass out of sight, your principal feeling may be, nay, should be, a feeling of joy—as of one who has beheld a "sign," and is thereby confirmed and encouraged. For turn your thoughts not to the future, but to the past. As the train glides on amid these glittering mills and toiling towns, think of what this country was a hundred years ago. The first mills were then just beginning to rise in the hollows, wherever the water-power called them,—humble buildings amid a still unpeopled land. They were worked by armies of apprentices brought hither from the poorhouses of southern England, or by children whose parents had just begun to crowd into the factory towns from the valleys perhaps of Westmoreland and Cumberland, where—as in remote Martindale—the heaps of nameless stones still mark the hamlets destroyed by that

great exodus. The earliest Factory Act was not yet passed—that dates from 1802. A first attempt had been made by the magistrates of Lancashire—in 1784—to protect the factory apprentices from the horrors of a veritable slave trade, in a resolution which declared that these children should no longer "work in the night or more than ten hours in the day." But without inspection, without public opinion, the resolution remained, especially in the remoter districts, a dead letter. And for the factory children who were not parish apprentices there was no protection at all; none for the growing girls and boys; none for the women. Women and children still worked in the mines. The terms "cotton operative," and "coal miner" were terms of contempt and degradation. A great industrial community was coming together, fed by perpetual streams of new-comers from all the high-ways and by-ways of England. It came together at a rush; it died at a rush. To know the full history of industrial England from 1780 to the Act of 1833 would surely be to surrender the mind to the haunting images of one of the great woes of history.

How the figures and voices break from the past! Like the voices that haunted the field of Wagram for the ears of "L'Aiglon," we may still hear them in the moorland wind:—

Listen to the children :—

"*I am fourteen. I was going seven when I first went to work at a mill. It was at Holling's I began to get crooked. I wrought two years at Holling's. It will be better than three years sin' I got crooked.*" . . .

"*I am going eleven. I hug baskets upstairs with bobbins. It's that made me crooked. Can't read. I have wrought in a mill going four years. We wrought from six to half-past eight for a year or more.*"

Or to the mothers :—

"*No sir, I hope the hours won't be reduced, because we have hard work to live as 'tis. Well, the children are tired at night. The first bell rings at half-past four by the factory clock. They have 'em in by about five or half-past. They let 'em out at nights at half-past six. No time for breakfast or tea. I have trouble to waken them up. Oh! no, sir, I never beg 'em off,—our comings in won't allow it. We can't give way to what they would like. Their appetite is not always good; one in particular fails—eleven years of age—the youngest.*"

Or again, to the voice of a father, as he looks painfully through the winter twilight for his children's home-coming.

"*They have been gone to work sixteen hours*

now. I have a deal of trouble to get them up in the morning. I have been obliged to beat them to get them well awake. It made me cry to be obliged to do it."

Or, last of all, hear the man of middle age looking sadly back, in the year after the passing of the great Reform Bill, over his working life :—

"*I see the men who were hand-spinners when I came to Manchester in* 1801; *I can call their images to mind, though they have been long in their coffins; the men I see now are not like them. Their children were kept in the factories, and became feeble in frame; and now their children again are feebler still. Those who have passed their lives in mule-spinning—their intellect has shrunk up and become dry like a tree; they have become children again. It is the long hours and the heat. They can't eat, and go to drink. A man may drink a dram, when he is too tired to eat a crust.*"[1]

Voices of pity and of shame!—that may well bring round us the whole phantom host of those lost generations which perished for the making of industrial England—of those deformed children and youths, those sickly demoralised girls, those

[1] These extracts are condensed from the evidence given before the great Factories Enquiry Commission of 1833.

exhausted men and women whose bones lie at the foundation of our great textile industries.

What saved the factory workers? or the miners whose lives you may study in the great Report of 1844?—or the fustian cutters, the potters, the lace-makers of 1862, whose fate wrung one of her finest poems from Mrs Browning? What is it that has redeemed Lancashire and Yorkshire—brought back happiness to life, and dignity to labour? Nothing but the setting up and maintenance of a Common Rule of life and labour, on the one side by Factory Law, on the other by Trade Unionism. No individual bargaining, no casual philanthropy could have done it. The community for its own sake came to the aid of the workers by which it lived. Bit by bit it has built up the great code of law by which the child, the young person, and the woman are protected from their own weakness and necessity. And in the footsteps of this law have sprung up perpetually, regeneration for the workers, profit for the employer, wealth for the nation.

But the great work is not complete. There yet remain the "sweated trades" whose miserable secrets were unveiled by the last Labour Commission; the trades which still prey like parasitic growths on the life of the nation, which destroy the tailoress, the shirtmaker, or the nail-maker, working in what she calls her home, beyond the

present reach of law. In the law also, as it stands, there are defects to be remedied, there are gaps to be filled up. The purpose of this book, therefore, is to show what the Factory Acts are, what they have done, and what remains to be done—in other words, from the brilliant success of that great body of realised legislation which in the course of a hundred years has transformed our manufacturing life, to draw courage and admonition for the future, and to find in the ever fresh and unfaltering application of a Common Rule of decent life and tolerable labour to the trades still outside its discipline, the only hope of humanising our slums, and raising our degraded classes to a level of civilisation worthy of the nation and its destiny. Not to be afraid of law; not to misuse the name of liberty; not to ignore the plain lessons of the past; not to suffer amongst us abuses which as our industrial history shows us, we can avoid if we will:—here lies the message of this book. Let us each do what we can to make it spread and prevail.

MARY A. WARD.

I.

THE ECONOMICS OF FACTORY LEGISLATION.

1. *The Need for Regulation.*

It is well to begin this little book with a warning. When modern Factory Legislation was introduced a hundred years ago, women did not concern themselves with such matters. Men did; and it is possible to prove, by the experience of a century, that they began, with the best intentions, by making every mistake that could possibly be made on the subject.

Now, the women of to-day are no cleverer than the men of that time. The sole advantage they have over the men of the eighteenth century is their knowledge of what has happened during the nineteenth century. Unfortunately, some of the politically active women of to-day have not acquired that knowledge—do not even know that it is available. They are arguing exactly as the men of their class argued when they, too, had no experience to guide them. Accordingly they are making the same mistakes, and laying

down the same Nihilistic "laws," with the same good intentions, and the same high-minded anxiety to secure, for every working woman, the personal liberty of a householder with at least three servants. My warning is, then, to form no conclusion until you know the facts. However richly your mind may be furnished, and your character fortified, by unexceptionable political principles, if you try to solve modern industrial problems by simply asking, with regard to each proposal for industrial legislation, is its apparent public principle, one of your own private principles, you will be doing exactly what has been done before by all the men who have gone hopelessly astray on the subject. And such straying makes a much graver difference than the difference between being wrong and being right on a technical point. It has led men, and is now leading women, passionately opposed to tyranny and "sweating," to spend their lives in fighting the battle of the tyrant and the sweater against his victims. And it has led, and is still leading, those who, caring less for individual hardships, place the welfare of their country before everything, to resist every measure for the invigoration of England's industrial strength and the raising of her international prestige, as an attempt to handicap her in competition with the nations who are still foolish

enough to believe that their strength lies in the weakness and degradation of their workers.

At first sight any dictatorial interference by a government official between two private persons making an ordinary contract, when it involves no offence against morality, seems an intolerable infringement of personal liberty. And when the contract is one for the sale and purchase of labour, and the interference goes to the length of preventing the transaction from taking place unless certain conditions are complied with, so that the labourer is deprived, in his need, of a job on terms which he is willing to accept and the employer to give, the action of the government may easily seem, to his middle class friends and patrons, a denial of his right to work, and therefore of his right to live. And for this view there was, in the eighteenth century, high economic authority.[1] "The patrimony of a poor man," says Adam Smith, "lies in the strength and dexterity of his hands; and to hinder him from employing this strength and dex-

[1] For a more complete statement of the argument of this chapter, with additional facts and exact authorities for every statement, the reader is referred to *Industrial Democracy* by Sidney and Beatrice Webb (London: Longmans: 1902; 12s. net); see especially, Part III. pp. 603-850, together with the appendix on "The Bearing of Industrial Parasitism and the Policy of a National Minimum on the Free Trade Controversy." The chapter here printed is, in fact, an abstract in 70 pages of an elaborate analysis of modern industry extending over 250 pages.

terity in what manner he thinks proper, without injury to his neighbour, is a plain violation of this most sacred property."[1] The employer feels no less aggrieved. It is upon "freedom of enterprise" that he has been taught to rely for the reward of exceptional talent, expensive education, and the fruits of past saving. "The right of every man to employ the capital he inherits or has acquired according to his own discretion, without molestation, so long as he does not infringe on the rights and property of others, is one of those privileges which the free and happy constitutions of this country has long accustomed every Briton to conceive as his birthright."[2] Finally, the whole body politic, though it is, through its own factory inspector, itself the aggressor in the matter, has its grievance too; for we have all learnt how greatly the national wealth and prosperity depend on the free exercise of enterprise and initiative of our inventors, manufacturers and traders.

All these arguments against Factory Legislation are as self-evident to the ordinary man and woman of the upper or middle class as the statement that the sun rises in the east and sets in the west

[1] Adam Smith's *Wealth of Nations*, 1776. Edition by J. R. M'Culloch, 1839, p. 55.

[2] Report of the House of Commons Committee on the State of the Woollen Manufacture in England, Jan. 4, 1806, p. 12.

is to the man in the street. But exactly as our faith in the Ptolemaic system of the Universe has been shattered by a more accurate observation of facts and by unravelling the connections between these facts, so has our faith in the good results of free competition in the labour market been destroyed by a more intimate knowledge of the life and labour of our working people, and by a careful analysis of the actual process of bargaining between employer and wage-earner.

On the facts alone, the weight of evidence is overwhelmingly against unfettered competition among wage-earners for employment. For three-quarters of a century committees of both Houses of Parliament, and Royal Commissions composed of all the available experts, have sat and listened to the tale of degradation and misery brought about by individual bargaining between capitalist and wage-earner. From the horrors of the unregulated textile industries prior to 1833—"a state of slavery more horrid than the system of colonial slavery"—to the revelations in 1890 before the House of Lords Committee on the Sweating System, we hear the same dismal refrain, of "earnings barely sufficient to sustain existence: hours of labour such as to make the lives of the workers periods of almost ceaseless toil: sanitary conditions injurious to the health of the persons

employed, and dangerous to the public."[1] And it is at least remarkable that in this interminable series of public enquiries, initiated by ministers of different political parties, conducted almost exclusively by members of the capitalist and brain-working class, actuated by all sorts of motives, and swayed by very varying bias, there has never been a single case in which the verdict has been in favour of Free Competition in the Labour Market. It is, in fact, upon the recommendations of these Committees and Commissions that our successive Factory Acts, Truck Acts, Mines Regulation Acts, and Workmen's Compensation Acts have been based. From the first instalment of state regulation in 1819, in the feeble attempt to limit the hours of children in cotton mills, down to the inclusion of washerwomen in 1895, and the universally applicable prohibitions of the Truck Act of 1896, we see the Labour Code constantly extended and elaborated, until, at the present time, every individual wage-earner in mining or manufacturing is included under one or other of its provisions.

But evidence drawn empirically from facts, though it may justify the action of the practical man, is not scientifically conclusive. Our legis-

[1] Final Report of the Select Committee of the House of Lords on the Sweating System, 1890.

lators may have been mistaken in inferring that because they always found certain specific evils in unregulated trades it was the absence of regulation that caused the evils. The low wages, long hours, and bad sanitation of unregulated occupations—what, in fact, we now call "sweating"—and the better conditions prevailing in regulated industries, might be pure coincidences. To complete our conviction that they stand in the relation of cause and effect we must be able to trace the actual process by which "individual bargaining" does, as a matter of fact, bring about a beating down of the livelihood of the manual worker below the level of efficient citizenship. This laying bare of the actual working of free competition in the labour market has been the main achievement of economic science during the last thirty years.

First, we must realise the essential and permanent inequality in bargaining power between the individual wage-earner and the capitalist employer. When the conditions of the workman's life are settled, without any collective regulation, by absolutely free contract between man and man, the workman's freedom is delusive. Where he bargains, he bargains at a hopeless disadvantage; and on many of the points most vital to his health, efficiency, and personal comfort, he is unable to bargain at all.

Let us see how this comes about. We will not take a time of bad trade, when five workmen are competing for one situation. We will assume that the whole labour market is in a state of perfect equilibrium; that there is only one workman wanting work and only one situation vacant. Now, watch the process of bargaining between the employer and the workman. If the capitalist refuses to accept the workman's terms, he will, no doubt, suffer some inconvenience as an employer. To fulfil his orders he will have to "speed up" some of his machinery, or insist on his workpeople working longer hours. Failing these expedients he may have to delay the delivery of his goods, and may even find his profits, at the end of the year, fractionally less than before. But, meanwhile, he goes on eating and drinking, his wife and family go on living, just as before. His physical comfort is not affected: he can afford to wait until the labourer comes back in a humbler frame of mind. And that is just what the labourer must presently do. For he, meanwhile, has lost his day. His very subsistence depends on his promptly coming to an agreement. If he stands out, he has no money to meet his weekly rent, or to buy food for his family. If he is obstinate, consumption of his little hoard, or the pawning of his furniture, may put off the catas-

trophe; but sooner or later slow starvation forces him to come to terms. And since success in the higgling of the market is largely determined by the relative eagerness of the parties to come to terms — especially if this eagerness cannot be hidden—it is now agreed, even on this ground alone, "that manual labourers as a class are at a disadvantage in bargaining." [1]

But there is also a marked difference between the parties in that knowledge of the circumstances which is requisite for successful higgling. "The art of bargaining," says Jevons, "mainly consists in the buyer ascertaining the lowest price at which the seller is willing to part with his object, without disclosing, if possible, the highest price which he, the buyer, is willing to give. . . . The power of reading another man's thoughts is of high importance in business." [2] Now the essential economic weakness of the isolated workman's position, as we have just described it, is necessarily known to employer and his foreman. The isolated workman, on the other hand, is ignorant of the employer's position. Even in the rare cases in which the absence of a single workman is seriously inconvenient to the capitalist employer,

[1] *Principles of Economics*, by Prof. A. Marshall. 3rd edition (London, 1895). Book VI. ch. iv. p. 649.

[2] W. S. Jevons, *Theory of Political Economy*. 3rd edition (London, 1888), ch. iv., p. 124.

this is unknown to anyone outside his office. What is even more important, the employer, knowing the state of the market for his product, can form a clear opinion of how much it is worth his while to give, rather than go without the man altogether, or rather than postpone closing with him for a few weeks. Meanwhile the isolated workman is wholly in the dark as to how much he may stand out for.

At such disadvantages it is comparatively a minor matter that the manual worker is, from his position and training, far less skilled than the employer or his foreman, in the art of bargaining itself. This art forms a large part of the daily life of the employer, whilst the foreman is specially selected for his skill in engaging and superintending workmen. The manual worker, on the contrary, has the very smallest experience of, and practically no training in, what is essentially one of the arts of the capitalist employer. He never engages in any but one sort of bargaining, and that only on occasions which may be infrequent, and which in any case, make up only a tiny fraction of his life.

Here, then, we have the first part of the explanation why unfettered individual bargaining produces bad conditions of employment. But this is not all. We often forget that the contract between em-

ployer and workman is to the employer simply a question of the number of shillings to be paid at the end of the week. To the workman it is much more than that. The wage-earner does not, like the shopkeeper, merely sell a piece of goods which is carried away. It is his whole life which, for the stated terms, he places at the disposal of his employer. What hours he shall work, when and where he shall get his meals, the sanitary conditions of his employment, the safety of the machinery, the atmosphere and temperature to which he is subjected, the fatigue or strains which he endures, the risks of accident or disease which he has to incur: all these are involved in the workman's contract and not in his employer's. Yet about the majority of these vital conditions he cannot bargain at all. Imagine a weaver, before accepting employment in a Lancashire cotton mill, examining the quantity of steam in the shed, the strength of the shuttle-guards, and the soundness of the belts of the shafting; an engineer prying into the security of the hoists and cranes, or the safety of the lathes and steam hammers among which he must move; a dressmaker's assistant computing the cubic space which will be her share of the workroom, criticising the ventilation, warmth and lighting, or examining the decency of the sanitary accommodation; think of the woman

who wants a job at the white lead works, testing the poisonous influence in the particular process employed, and reckoning, in terms of shillings and pence, the exact degree of injury to her health which she is consenting to incur. No sensible person can really assert that the individual operative seeking a job has either the knowledge or the opportunity to ascertain what the conditions are, or to determine what they should be, even if he could bargain about them at all. On these matters at any rate, there can be no question of free contract. We may, indeed, leave them to be determined by the employer himself; that is to say, by the competition between employers as to who can most reduce the expenses of production. What this means, we know from the ghastly experience of the early factory system; when whole generations of our factory hands were stunted and maimed, diseased and demoralized, hurried into early graves by the progressive degeneration of conditions imposed on even the best employers by the reckless competition of the worst.

And if we consider the hours of labour, we shall see that, in the typical processes of modern industry, individual choice as to the length of the working day has become impossible. The most philanthropic or easy-going builder or manu-

facturer could not possibly make separate arrangements with each of his work-people as to the times at which they should come and go, the particular intervals for meals, or what days they should take as holidays. Directly we get machinery and division of labour—directly we have more than one person working at the production of an article—all the persons concerned are compelled, by the very nature of their occupation, to work in concert. This means that there must be one uniform rule for the whole establishment. Every workman must come when the bell rings, and stay as long as the works are open; individual choice there can be none. The hours at which the bell shall ring must either be left to the autocratic decision of the employer, or else settled by collective regulation to which every workman is compelled to conform.

Such are the disadvantages at which, when the labour market is in a state of perfect equilibrium, the isolated individual workman stands in bargaining with the capitalist employer. But it is, to say the least of it, unusual, in any trade in this country, for there to be no more workmen applying for situations than there are situations to be filled. When the unemployed are crowding round the factory gates every morning, it is plain to each man that, unless he can induce the foreman to select him

rather than another, his chance of subsistence for weeks to come may be irretrievably lost. Under these circumstances, bargaining, in the case of isolated individual workmen, becomes absolutely impossible. The foreman has only to pick his man and tell him the terms. Once inside the gates, the lucky workman knows that if he grumbles at any of the surroundings, however intolerable; if he demurs to any speeding up, lengthening of the hours, or deductions; or if he hesitates to obey any order, however unreasonable, he condemns himself once more to the semi-starvation and misery of unemployment. The alternative to the foreman is merely to pick another man from the eager crowd. The difference to the employer is imperceptible.

So far, the argument that the isolated workman, unprotected by any law or other collective regulation, must necessarily get the worst of the bargain, rests on the assumption that the capitalist employer will take full advantage of his strategic strength, and beat each class of wage-earners down to the lowest possible terms. In so far as this result depends upon the will and intention of each individual capitalist the assumption is untrue. There are, in every industry, intelligent, far-sighted and public-spirited employers who take a positive pleasure in augmenting the wages and pro-

moting the comfort of their work-people. Why not trust to the free play of the benevolent instincts to secure humane treatment for the worker?

The obvious reply is that the employer is not always benevolent. Besides, there are equally conclusive replies which are not obvious, the chief of them being that the employer is no more free to give good treatment than the labourer is to refuse bad. The employer has to sell his product in competition with all the other employers, and, if he does not keep his expenses of production down to the lowest point they can attain, he will be undersold and ruined. Unless he is protected by some species of monopoly, such as the possession of a patent or a widely advertised name, or membership of a syndicate or trust, he is constantly finding himself as powerless as the workman to withstand the pressure of competition. Every expense that does not directly "pay" —that is every disinterestedly benevolent expense —must be imposed simultaneously on the whole body of employers, or the least scrupulous and most necessitous of them will promptly retrench it, reduce the price of the product, and thus tempt away the customers of those who refuse to follow suit. In fact, the supposed freedom of the employer to protect the worker is as illusory as

the supposed freedom of the worker to protect himself.[1]

The question remains, can the private consumer do anything in the matter? From time to time we see attempts made, usually by philanthropic ladies, to form "consumers' leagues," the members of which pledge themselves to boycott Somebody's matches, to abstain from buying shirts stitched by Tom Hood's garret-sempstress, and, in short, to repudiate the bait of cheapness.

All such attempts necessarily fail to cope with the evil. And for this failure there are five main reasons. To begin with, the plan of tracing the history of the article back to the factory or garret in which it was manufactured, or the several factories or garrets in which its component parts were

[1] A full description of the ordinary manufacturer's helplessness to buy his labour dearer than his competitors buy theirs will be found in S. & B. Webb's *Industrial Democracy*, Part III., chap. ii. (pp. 654-702 in Vol. II.). Incidentally will be found there (pp. 674-676), a full examination of the case of the domestic servant, which is still often adduced, by otherwise well-educated persons, as if it contradicted the need for Trade Unionism or Factory Legislation. As a matter of fact, it greatly strengthens the argument in their favour. What crushes the unprotected worker in the sweated trades is the pressure of the competitive *profit-making* of which that worker is the humble instrument. The domestic servant, as usually understood, is not an instrument of competitive profit-making, and is therefore not subject to this pressure. Wherever the servant is such an instrument, as in restaurants and lodging-houses, all the well-known symptoms of sweating are found.

manufactured, is usually quite impracticable, and in any case is only open to persons of considerable means and leisure, endowed with capacity for industrial investigation. Secondly, the rough test of quality or expensiveness is wholly misleading. The finest and most expensive broadcloth, made in the West of England factories, is the product of worse-paid labour than the cheap "tweeds" of Dewsbury or Batley. Costly hand-made lace is, in actual fact, usually the outcome of cruelly long hours of labour, starvation wages, and incredibly bad sanitary conditions; whilst the cheap article, which Nottingham turns out by the ton, is the output of a closely combined trade, enjoying exceptionally high wages, short hours, and comfortable homes. Thirdly, it is of no use to prefer the dearer shop to one which offers the same articles at cutting prices. Even if the consumer made the Quixotic rule of paying the old-fashioned price for everything, he has no ground for hoping or believing that the shopkeeper will pass his bounty on to the wholesale dealer, the wholesale dealer to the manufacturer, and the manufacturer to the wage-earner. Fourthly, the consumer has, in many cases, absolutely no choice left to him. It is the characteristic of cheap articles, energetically pushed by their producers, that they drive their competitors out of the market, so that the consumer must often use a

sweated product, or go without. Finally, we have the fact that an enormous proportion of our sweated workers are employed in producing goods for export to other countries. Unless we could include in our "consumers' league" the millions of Hindoo, Chinese, and Negro purchasers of our exports, no such action can ever put an end to the sweating system.

Hence it is futile to expect that the evils of "sweating"—that is, starvation wages, excessive hours and unhealthy work-places—can be abolished, or even appreciably lessened, by the individual employer of benevolent instincts, or by the individual customer indifferent to price and capable of investigation. If we are in earnest to stop the physical and mental degradation of large sections of the wage-earners, we must by one means or another, enforce on all employers a minimum of humane order as the inviolable starting-point of competition.

2. *Parasitic Industries and Foreign Competition.*

So far, the case for the Factory Acts is simple enough; and those who have hitherto opposed such legislation solely because they imagined that the workers could otherwise protect themselves against sweating, without the restraints of an additional

law, may leave the matter here. But from the wider point of view of the statesman it is not so easily disposed of. It may be desirable that every wage-earner should have healthy conditions of employment secured to him by law; but none the less must the nation cut its coat according to its cloth. If it is a very poor nation (though with our present powers over Nature no civilised nation need nowadays be very poor) its people must work hard and long for little wages: if a rich one, its people must still produce its income and live within it. If it depends on foreign trade it must not hamper or destroy that trade. Consequently, the statesman, and those who are thoughtful and wide-minded enough to take the statesman's view, will not be satisfied with a demonstration that Factory Acts protect the individual worker from oppression by the individual employer. They will require, in addition, a demonstration, first, that legislatively regulated industry is not less economical, from the national point of view, than unregulated industry; and, second, that the regulation will not react disastrously on our foreign trade.

These demonstrations do not spring into view quite so alertly as the one made in the last section; but they are quite practicable and conclusive, and, if patiently followed, not difficult to grasp.

Let us first take the question whether the cheapness of labour in a sweated industry is nationally economical: that is, whether it is cheap to the nation as well as to the sweater.

We have seen how, in trade after trade in which the wage-earners were unprotected by any kind of collective regulation, it has been found that they were reduced to "earnings barely sufficient to sustain existence, hours of labour such as to make the lives of the worker periods of almost ceaseless toil, sanitary conditions injurious to the health of the persons employed and dangerous to the public." This, clearly, is the minimum below which even the most hard pressed or the most grasping employer is unable to descend—the bare subsistence needed to keep his workers alive from moment to moment whilst they are hired. What has only of late been realised is the effect of such conditions upon our national wealth. It may be enough for the individual employer if his work-people remain alive during the period for which he hires them. But for the continued efficiency of the nation's industry, it is indispensable that its citizens should not merely continue to exist for a few months or years, but should be well brought up as children and maintained for their full normal life unimpaired in health, strength and character. The human beings of a community form as truly a

portion of its working capital as its land, its machinery or its cattle. If the employers in a particular trade are able to take such advantage of the necessities of their work-people as to hire them for wages actually insufficient to provide enough food, clothing and shelter to maintain them and their children in health ; if they are able to work them for hours so long as to deprive them of adequate rest and recreation ; or if they subject them to conditions so dangerous or insanitary as positively to shorten their lives ; that trade is clearly using up and destroying a part of the nation's working capital. When we are dealing with other factors of production, such as machinery or agricultural land, the folly of such a process of exhaustion or deterioration is at once apparent. The land agent who would lease arable or pasture land to a farmer without insisting on proper covenants against misuse or exhaustion of the soil would be held guilty of incompetence or fraud. The manufacturer who attempts to lower his cost of production by not repairing or replacing his machinery earns the contempt of his fellows, and, in due course, the bankruptcy court. The reason why the employer sees no analogy between "sweated" labour and deteriorating machinery is plain. In the case of the machinery, he has sooner or later to pay the capital value of what he has worn out. In the

case of the labour he hires it by the week, and, in the absence of collective regulation, hires it without covenant to maintain its efficiency. If the workers thus used up were horses—as, for instance, on an urban tramway—the employers would have to provide in addition to the daily modicum of food, shelter and rest, the whole cost of breeding and training the successive relays necessary to keep up their establishments. In the case of free human beings, who are not purchased by the employer, this capital value of the new generation of workers is placed gratuitously at his disposal, on payment merely of subsistence from moment to moment, so long as hired.

Industries yielding only a bare minimum of momentary subsistence are therefore not really self-supporting. In deteriorating the physique, intelligence and character of their operatives, they are drawing on the capital stock of the nation. And even if the using up is not actually so rapid as to prevent the "sweated" workers from producing a new generation to replace them, the trade is none the less parasitic. In persistently deteriorating the stock it employs, it is subtly draining away the vital energy of the community. It is taking from these workers, week by week, more than its wages can restore to them. A whole community might conceivably thus become parasitic on itself, or, rather,

upon its future. If we imagine all the employers in all the industries of the kingdom to be, in this sense, "sweating" their labour, the entire nation would, generation by generation, steadily degrade in character and industrial efficiency. Now in human society, as in the animal world, the lower type developed by parasitism, characterised as it is by the possession of smaller faculties and fewer desires, does not necessarily tend to be eliminated by free competition : on the contrary, the degenerate forms may flourish in their degradation, and destroy the higher type, like weeds in a neglected garden. Evolution, in a word, if unchecked by man's selective power, may result in Degeneration, as well as in what we choose to call Progress.

One of the common forms of industrial parasitism is that in which an employer, without imparting any adequate instruction in a skilled craft, gets his work done by boys or girls who live with their parents and work practically for pocket-money. Here he is clearly receiving a subsidy or bounty from the parents—that is, from the industry by which the parents live—which gives his process an economic advantage over those worked by fully-paid labour. But this is not all. Even if he pays the boys or girls a wage sufficient to cover the cost of their food, clothing, and lodging so long as they are in their teens, nevertheless, if he dismisses

them as soon as they become adults, he is in the same predatory case. For the cost of boys and girls to the community includes not only their daily bread between thirteen and twenty-one, but also their nurture from birth to the age of beginning work, and their maintenance as adult citizens and parents. If a trade is carried on entirely by the labour of boys and girls, and is supplied with successive relays who are dismissed as soon as they become adults, the mere fact that the employers pay what seems a good subsistence wage to the young people does not prevent the trade from being economically parasitic. The employer of adult women is in the same case where, as is usual, he pays them a wage insufficient to keep them in full efficiency irrespective of what they receive from their parents, husbands or lovers.

In all these instances the efficiency of the services rendered by the young persons or women is being kept up out of the earnings of some other class. These trades are, therefore, as clearly receiving a subsidy as if the capitalists were paid a bounty out of the taxes, or as if the workers were being given a "rate in aid" of wages. The employer of subsidised woman or child labour gains actually a double advantage over the self-supporting trades: he gets without cost to himself the extra energy due to the extra food, and he

abstracts—possibly from the workers at a rival process, or in a competing industry—some of the income which might have increased the energy put into the other trade.

This phenomenon of industrial parasitism disposes at one blow of the superficial notion that sweated wares are cheap to the nation even when they are low in price to the consumer. On the contrary, they are the only wares that are not cheap at any price. Their production is a process of impoverishment: from the statesman's point of view it is not production at all, but waste.

And now, if we proceed at once to the second question—that of foreign trade—it will be plain from the beginning that the only point to be settled is whether this waste can be converted into wealth by exchanging its results for the products of other nations. An absurd question, apparently; and yet during the first fifty years of the nineteenth century, the sweating entrepreneur in the unregulated industries sought to warn off the timid legislator by declaring that, if the cost of production (to himself) were raised by requiring shorter hours or better sanitary conditions, "the trade would go out of the country." As we have seen, the cost of production to himself was no measure of the cost of his products to the country; and as a matter of fact, act after act has been

passed regulating particular industries, and these have not left the country, but have, on the contrary, increased and flourished. In face of this continued growth and prosperity of the most highly regulated industries, and of the constant withdrawal of orders for our "sweated" products, the outcry about foreign competition has perceptibly weakened.

Nevertheless, the true relation of foreign competition to industrial parasitism has only lately been clearly ascertained. The questions raised by the parasitic traders, in their desperate pleas against extinction by factory legislation, are oftener disregarded than correctly answered. To clear up the point, let us assume that conditions of employment good enough to provide for the adequate repair and replacement of the human labour-force expended do, at any rate at first, raise the cost of production and so limit the demand for the product. What bearing has this fact on our policy as a nation?

We have already seen that the right answers to economic questions are seldom the superficially obvious answers, and often the very opposite of them. The real movements of international trade are quite as unexpected to the man who regards his own factory as the centre of the world's industry, as those of the heavenly bodies are to the

man who regards the earth as the centre of the universe.

English producers of commodities for foreign markets, and those who manufacture, for home consumption, commodities that can be imported from abroad, find their industries expanding or contracting according as the prices of their products rise and fall in other countries as well as at home. This may be clearly seen in the case of English coal. The cargoes from Cardiff and the Tyne go all over the world, and find, in many foreign parts, practically no competitors. But how far inland our coals will push into each continent varies with every change of price. In Germany the Silesian and Westphalian mines, in Australia those of New South Wales, and in South Africa those of the Cape and Natal already supply a great part of the local demand. The geographical limit at which the use of English coal ceases to be cheaper than the inland supply is seen in practice to be as sensitively mobile as the thermometer. And if we turn from the influence of foreign production on our exports to that of imports on home production, we may watch the area of wheat-growing in Great Britain expanding or contracting in close correspondence with the oscillations of the world-price of wheat.

So far, the success of any class of English pro-

ducers in competing for the world's custom would seem to depend exclusively on their ability to undersell the foreign producers of the same article. But national economy is not so simple as this. Even private individual economy carries one beyond so crude a position, as the following examples show. It may be assumed that if a Prime Minister or Imperial Chancellor were to give his whole mind to the art of lighting fires and dusting furniture he might be able to accomplish both feats in, say, three minutes less than an average housemaid. Nevertheless it would be very bad economy for such a statesman to light his own fire and dust his own study instead of paying a housemaid to do it for him. Economy for him means making the best use of his time and talents as a whole, and not doing anything merely because he can do that particular thing better than somebody else. Now, a nation is under the same obligation as an individual. For it, economy does not consist in offering to the world-market every article which it could produce more cheaply than foreigners. What it has to do is to put its energy into producing for export those articles in which its advantage over the foreigner is the greatest.

Now comes the practical question. How are we to ensure that exactly those articles are selected for export which fulfil the above condition? At

present the selection is left to the competition of our export manufacturers. Each of these manufacturers imagines that he is competing with foreign manufacturers; and so he is for English customers. But for foreign orders he is really competing with the rival exporters of his own country. The reason he does not see this is simple enough. He strikes at his unseen home competition through the body of the whole mass of foreign trade. For instance, suppose we have a fall in the cost of production of English machinery, coal and textiles. As a result the manufacturers and coal-owners of Lancashire and Cardiff get a number of additional orders, which have hitherto gone to foreign firms. This result is perfectly satisfactory to Lancashire and Cardiff: they enquire no further, and are convinced that their gain is the nation's gain. But other things have happened of which they know nothing. The additional goods they have exported will be paid for by additional imports. Now, since one does not "send coals to Newcastle," these additional imports will clearly not be imports of machinery, coal and textiles. They may be American food-stuffs or Australian wool, German glass wares or Belgian iron. What is the result? The Yorkshire farmer, glass-manufacturer, or ironmaster, loses the equivalent of the trade which the Lancashire and Cardiff manufacturer

has gained, and he never knows where the blow has come from. Lancashire and Cardiff exult in their victory over the foreigner; the foreigner complains to his government that Lancashire and Cardiff are ruining him; some other foreigner exults in his victory over Yorkshire; and Yorkshire complains to the English government that foreign competition is driving its trade out of the country. Yet all that has really happened is that Lancashire and Cardiff have taken away from Yorkshire some of its export trade; and all that England has to consider is whether it is better for the nation as a whole that it should export Lancashire and Cardiff products or Yorkshire products.

The free-traders of fifty years ago assumed that this did not matter—that English exports were English exports anyhow. Let us take an instance—a typical instance—to show that it does matter very vitally indeed. Suppose the jobbing home workers in the Sheffield cheap cutlery trade keep down the price of their product by working long hours, without expensive sanitary precautions, at the starvation wages of cut-throat competition, they may gain by their wretchedness a miserable victory over French and German blades in the market. The effect of this victory is to prevent the importation of foreign blades and even to promote additional exports of Sheffield goods. Its

further effect is to cause the importation of other commodities in the place of these foreign blades. The brothers and cousins of the Sheffield cutlers, earning high wages in the Yorkshire glass works and iron furnaces, may therefore find their employment diminished by the persistent influx of German glass and Belgian iron. Here you have the sweated, parasitic, export trade driving out the self-supporting one. Carry that process far enough and it will make, of all England, the same den of poverty, disease, crime, exhaustion and premature death that Lancashire was before the Factory Acts rescued her and placed her among the most prosperous of English industrial counties. We may therefore, with perfect exactness, apply to our unregulated sweated industries the words of the shrewd observers who exposed the evils of the Old Poor Law. "Whole branches of manufacture," they said, "may thus follow the course, not of coal mines or streams, but of pauperism; may flourish like the fungi that spring from corruption in consequence of the abuses which are ruining all the other interests of the place in which they are established, and cease to exist in the better administered districts in consequence of that better administration."[1]

[1] First Report of Poor Law Commissioners, 1834, p. 65; or reprint of 1884 (H.C. 347 of 1884); *Industrial Democracy*, p. 755.

We now see why sweating must be barred in the interests of our international position, as well as of our insular soundness. We see our country, not as a single shop competing with the great shops of a dozen other nations for the custom of the planets, but rather as a great bazaar in which all the dealers compete with one another for the custom of the foreigner as he strolls past the booths. In that bazaar the cotton-spinner and the coal-hewer compete with the farmer, and the farmer with the optician and watchmaker. Every English manufacturer and trader competes with all the other English manufacturers and traders, bazaar fashion; and the fact that they all mistake the foreigner for their competitor, and honestly condole with one another on the losses which they themselves have mutually inflicted on each other, has to be discounted by the statesman as he discounts so many other popular delusions.

Now there are two main ways of competition in trade, whether for home or foreign custom—an upward way and a downward way. On the upward way the competitor strives to succeed by increased efficiency of production, by more intelligent and therefore more economical organisation, by the invention or adoption of new processes, and by improving the character, and therefore the product, of the labour employed. On the down-

ward way the competitor strives to cheapen his product and enlarge his profit by throwing as much as possible of the cost of the labour he employs on the rates, the charities, and, above all, on the other industries. He pays starvation wages to his adult workers, and "sweats" them without regard to their health or endurance, knowing that when they are disabled or worn-out, the hospital and the workhouse will receive them at the expense of the community. He relies as far as possible on the labour of women and children, knowing that these will be partly supported by the wages earned by their husbands and parents in other industries. And, by these purely parasitic methods, he puts his product on the market at a fictitiously low price, which compels his rivals in the same trade to copy his methods, or lose their customers. What is even worse, this fictitious cheapness enables him to displace, from our export trade, some other English industry not resorting to such equivocal methods of reducing the expenses of production. Clearly, this success is the result, not of "Free Trade," but of a "bounty," and one of the worst sort—a bounty not deliberately conferred as an act of public policy, but filched from other sections of the community. Clearly, too, all the export trade which the parasitic sweated industry wins, is not won for the nation at all, but is merely

diverted from better-paid occupations. The conclusion is irresistible. The first condition of national efficiency and national prosperity is the resolute blocking of the downward way, and the intelligent policing of the upward, by factory legislation.

For the sake of those who may remember enough of the economics of the Manchester school to be puzzled by the obviousness of a practical conclusion so opposed to their maxim of *Laissez Faire*, it is worth pointing out how their error arose. They were so much taken up with the idea of removing the State-created fiscal barriers and bounties between nations that they overlooked the bounties which the sweating employers were pocketing by sleight of hand, without the knowledge or intention of the State. M'Culloch and Nassau Senior, Cobden and Bright, realised clearly enough that a grant of money aid to a particular industry out of the rates or taxes enabled that industry to secure more of the nation's brains and capital and more of the world's trade, than was economically advantageous. They even understood that the use of unpaid slave labour constituted just such a bounty as a rate in aid of wages. But they never clearly recognised that the employment of children, the over-work of women, or the payment of wages insufficient for maintenance of the operative in full industrial and

domestic efficiency, stood, economically, on the same footing. If the object of "Free Trade" is to promote such a distribution of capital, brains, and labour among countries and among industries, as will result in the greatest possible production with the least expenditure of human efforts and sacrifices, the factory legislation of Robert Owen and Lord Shaftesbury formed as indispensable a part of the Free Trade movement as the tariff reforms of Cobden and Bright. "During that period," wrote the Duke of Argyll of the nineteenth century, "two great discoveries have been made in the Science of Government: the one is the immense advantage of abolishing restrictions upon trade; the other is the absolute necessity of imposing restrictions on labour. . . . And so the Factory Acts instead of being excused as exceptional, and pleaded for as justified only under extraordinary conditions, ought to be recognised as in truth the first legislative recognition of a great Natural Law, quite as important as Freedom of Trade, and which, like this last, was yet destined to claim for itself wider and wider application."[1]

3. *The Lessons of Experience.*

It is now clear that the extirpation of "sweating" by individual acts of self-defence on the part

[1] *The Reign of Law* (London, 1867), pp. 367, 399.

of the wage worker, or of benevolence on the part of the employer, is impossible, and that the enforcement of a compulsory minimum is sound in principle. Let us see how it has worked out in practice.

The two great industries which, at the beginning of the nineteenth century, were conspicuous for the worst horrors of sweating were the textile manufactures and coal mining. Between 1830 and 1850 the Parliamentary enquiries into these trades disclosed sickening details of starvation wages, incredibly long hours, and conditions of work degrading to decency and health. The remedy applied was the substitution, for Individual Bargaining between employer and operative, of a compulsory minimum set forth in Common Rules prescribing standard conditions of employment. Some of these Common Rules related to wages, others to hours, and others, again, to safety and sanitation. Some of them were imposed and enforced by legislation; others by collective agreements entered into between the Trade Unions and the employers' associations. Which of these two methods of imposing Common Rules is the better will be considered presently. For the moment we are only concerned with the fact that both of them abolished, as far as they went, the freedom of the individual employer and the individual operative to

make what bargains they pleased with one another. Masters and work-people alike found themselves deprived of their old liberty to under-cut certain prescribed wages, hours and conditions of work. What was the result? Fortunately there is no dispute. Everyone who knows these great industries agrees in declaring that the horrors which used to prevail under Individual Bargaining have been brought to an end. The terms "cotton-operative" and "coal-miner," instead of denoting typically degraded workers, as they did in 1830, are now used to designate the very aristocracy of our labour. And when, to-day, those who are interested in the industrial progress of women need an example of a free and self-reliant class of female wage-earners, earning full subsistence, enjoying adequate leisure, and capable of effective organisation, they are compelled to turn to the great body of Lancashire cotton-weavers, now for half a century "restricted" in every feature of their contract.

Nor has the remedy for sweating ruined the trades to which it has been applied. If, for instance, we compare the distribution of industry in Great Britain fifty years ago with that of the present day, we are struck at once by the enormous increase in the proportion occupied by textile manufactures (especially cotton), ship-building, machine-making, and coal-mining, as compared

with agriculture and with those skilled but unorganised handicrafts like watch-making, for which England was once celebrated. To whatever causes we may ascribe the success of the former industries, the old protests that regulation meant ruin to them are disposed of by the fact that they are exactly those in which the individual employer has not been free to make any bargain he chose with the individual operative, but has had to comply with Common Rules, enforced, for the whole industry, by the Trade Union or the Factory Inspector. Concurrently with the enormous expansion of these regulated trades, has been the gradual ousting, even from the home market, of our manufactures of the commoner sorts of joinery, glass, paper and cutlery—all of them articles in which the operatives have never been able to secure effective regulation either by Trade Unions or Factory Acts.

Thus, if we were to judge merely by actual experience, the substitution, for Individual Bargaining, of compulsory minimum conditions embodied in Common Rules, not only gets rid of sweating, but is positively advantageous to the trade concerned. That this is no mere coincidence, we shall see if we examine how these Common Rules act. Paradoxical as it may seem, the mere existence of compulsory minimum conditions of employment, below which

no employer and no workman may descend, directly improves the employer, improves the operative, and improves the processes of manufacture.

We must first realise how entirely the modern Labour Code differs from the regulations that were current in the Middle Ages. A long series of statutes from Edward the Third to James the First determined the maximum amount of money to be given, or leisure to be allowed, by the employer to his work-people. Any person offering or accepting *better* conditions of employment was subject to severe penalties. The modern device of the Common Rule is based upon a diametrically opposite principle. It invariably enforces a Minimum beyond which no employer may descend: never a Maximum upon which he may not, if he chooses, considerably improve. This is equally true of the Common Rules enforced by law, and of those embodied in an agreement between the Trade Union and the associated employers. An employer who, for one reason or another, desires to fill his works with the most respectable young women, does not restrict himself to the already high standard of comfort and decency enforced by the Factory Act: he sees to it that the workrooms are cheerful, warm and light; provides dining-rooms and cloak-rooms, hot water, soap and towels, without the usual irritating charges; takes care to prevent any oppor-

tunity for the foreman's petty tyrannies ; and strives to make a kindly and cheerful spirit pervade the whole establishment. When the Common Rule is enforced by voluntary collective agreement, the Trade Union never objects to an employer attracting superior workmen to his establishment by adopting a scale of wages in excess of its standard ; by introducing an eight hours' day ; or by promising full wages during holidays or breakdown.

Thus, unlike the mediæval statutes, the modern device of the Common Rule in no way limits the competition of employers for workmen, or stereotypes the condition of the wage-earners at any existing low level of comfort. On the contrary, the mere enforcement on all employers of standard conditions, even if these amount to no advance, but merely embody the wages, hours and sanitation already given by the average employer, inevitably transforms what was formerly the mean into a new minimum. Silently there is set up, in the eyes both of employers and workmen, a new mean between the conditions which even the worst employer now finds himself compelled to give, and those which the best employer voluntarily concedes to his work-people. Presently, the public opinion of the trade seeks to incorporate this new mean in an amendment of the Factory Act, or a new agreement between the Trade Union and the associated em-

ployers. If the economic conditions are favourable, and the agitation is wisely and moderately conducted, it will sooner or later attain its end, and thus raise conditions another step. Every employer knows that this has been the actual experience of trade after trade in which a Common Rule has been enforced. Thus, the enforcement of a minimum in any trade is found by experience to have two separate effects on the livelihood of the wage-earners. It not only protects the most necessitous individuals and the most helpless classes from any degradation of their Standard of Life. Its very enforcement silently starts influences in the minds of the employers and work-people which result in successive improvements in the conditions enjoyed by the whole trade.

So far, the advantages of a Common Rule are all on the side of the wage-earners. If there were no counterbalancing advantages to the employer, it would seem as if the cost of production would be thereby increased. Yet the experience is all the other way. In trade after trade in which Common Rules have been enforced, the cost of production has gone down. The explanation of this paradox has been discovered by watching the other effects of the Common Rule. The mere enforcement, on all the employers in a trade, of standard rates of wages, a normal working day and prescribed con-

ditions of sanitation and safety, itself causes an improvement in the services rendered by the operatives, stimulates the managers to introduce new processes and machinery, and expands the business of those establishments which are most favourably situated, best equipped and most skilfully conducted.

Consider, first, the effect of the Common Rule in improving the efficiency of the wage-earners. Every morning in the east-end of London thousands of ill-conducted men and women are taken on in the sweated industries. So long as they are willing to take employment at any price, ask no questions as to the length of the working day, and show no troublesome fastidiousness as to the conditions of sanitation and decency of the workplace, it suits the sweating employer to dispense with all references to character and to insist only on the coarsest and commonest kind of service. There is, accordingly, in the sweated trades, practically no "selection." The greatest scamp in London can get taken on as a casual labourer, and the most dissolute woman finds a job in the garret or cellar of the "trouser-finisher." Inside the workshop, as the present writer has most painfully experienced,[1]

[1] See "Pages from a Work-girl's Diary," by Beatrice Webb (1888); reprinted in S. & B. Webb's *Problems of Modern Industry* (London, 1898).

there is a corresponding lack of order and discipline. If the man acquiesces in working throughout the night when the employer is busy, he is free to go off on a drinking bout in slacker times. If the woman accepts without complaint any reduction in the piece-work rates she will be leniently dealt with when she spoils her work, or is discovered filching the trimmings. The better disposed workers have few more disagreeable experiences than the obscene talk, dirty habits, and general disorder of the establishment. Now and again matters come to a crisis. Curses give place to blows or threats of blows; work is interrupted; someone—not necessarily the worst offender—is summarily dismissed; and the delay caused by the scrimmage affords an excuse for adding another half-hour to the day's labour. The sweating employer puts up with this sort of service, because, owing to the absence of any effective Common Rules, he can get it at an incredibly low price.[1]

How differently things are managed in a highly regulated industry. The Lancashire mill-owner finds himself obliged, whether he likes it or not, to select work-people of good character, and to

[1] For more complete confirmation of this analysis of the Sweated Trades, the reader may refer to the descriptions of the Tailoring Trade and the Docks by the present writer (and that of the Boot-making Trade by D. L. Schloss) in Mr Charles Booth's *Life and Labour of the People*, Vol. I.

maintain in his establishment a high standard of order and efficiency. As he cannot open his weaving shed before a certain hour in the morning, and cannot keep it open after the time legally fixed for closing, he naturally takes care to employ only women whom he can depend on to work regularly and steadily all day and every day. As he is bound to pay every weaver the standard piece-work rate, he demands the utmost possible skill, so as to avoid damage to the material or interruption of the machinery. The expensive sanitation which he is compelled to provide makes him insist on decent ways and cleanly habits. Thus, both in selecting new workers, and in the organisation of the factory, the very existence of definite Common Rules impels the employer to require a much higher standard of character and conduct than he would otherwise exact. And the fact that the employer's mind is constantly intent on getting the best possible workmen silently and imperceptibly reacts on the wage-earners. The young man and woman knowing that they cannot secure a preference for employment by offering to put up with worse conditions than the standard, seek to commend themselves by good character, technical skill, and general intelligence. Hence, under the moral force of a Common Rule, there is not only a constant selection of the most efficient and well-

conducted candidates, but also a positive stimulus to the whole class to become ever more self-controlled and efficient.

But can we get the wage-earner, male or female, to respond to this continuous incitement to self-improvement? Here the more obvious effects of enforcing a Standard Rate of Wages, a Normal Working Day, and definite conditions of sanitation and safety become of great importance. Give the human being good ventilation, decent surroundings, adequate periods of rest and sufficient food, and, like a well-kept horse, you can get much better work out of him. The unskilled labourer who is only half fed, whose clothing is scanty and inappropriate to the season, who lives with his wife and children in a single room in a slum tenement, and whose spirit is broken by the ever-recurring irregularity of employment, cannot by any incentive be stimulated to much greater intensity of effort, for the simple reason that his method of life makes him physiologically incapable of either the physical or mental energy involved. Similarly, in manufactures as yet unregulated, we find the female "trouser-hand" or slipper-maker, earning a shilling a day, paying eighteenpence a week rent for a corner of a garret, feeding on weak tea and bread and pickles, working for twelve or fifteen hours out of every twenty-four, with neither the heart nor the

strength to learn a new machine or take her part in any complicated system of division of labour. Her master may force her to have fewer needs: he cannot get out of her more effective service.

But take any one of these sweated workers who is not yet completely shattered in health and character, give her a few weeks' employment in a comfortable home, with regular meals and proper periods of rest, and you will observe a slow revival of her faculties, an increase in her strength, and usually a growth of self-control and general capacity. Watch the same experiment tried on a larger scale and for a longer period, and the results are still more convincing. Nothing could be more striking than what actually happened in Lancashire. In 1830, the cotton operatives were in a condition of "sweating" as bad as that at present prevailing at the East-End of London. Competition, free from regulation, had in half a century produced a race of pale, stunted and emaciated creatures, irregular in their lives and dissolute in their habits. Their case appeared so desperate that, for those who believed in *Laissez Faire*, "the only hope," as Harriet Martineau confessed, "seems to be that the race will die out in two or three generations."[1] Fortunately,

[1] *Harriet Martineau's Autobiography*, by Maria Weston Chapman (London, 1877), Vol. III. p. 87.

Harriet Martineau's advice was not taken, and the experiment was tried of placing the cotton trade under definite Common Rules as to wages, hours and sanitation. These, from 1833 onward, have constantly been more strictly enforced, either by law or collective agreement. The result has been marvellous. In the course of half a century, the sweated workers have gradually become energetic, self-reliant, and self-controlled men and women, working with unrivalled speed and efficiency during their strictly limited hours, and maintaining, in their comfortable homes, almost a "bourgeois" standard of family life. This experience does not stand alone. In every trade or district in which the operatives, by the device of the Common Rule, have secured better conditions of employment, we find a general testimony to an increase in the speed, regularity and quality of their work. Thus it has been proved by repeated experiment that the enforcement, in any trade, of standard conditions of employment, directly and certainly improves the quality of the work done. This improvement is brought about not merely by securing to the operative more food, more rest, and greater immunity from accident and disease, but also by enormously strengthening the social forces which make for industrial righteousness: that is, for regularity, self-control, trustworthiness

and technical skill. And this improvement spreads beyond the persons immediately affected. In the crowded life of our cities, any change in the individual, whether in physical health or moral character, is communicated in an almost mysterious way to his fellow-citizens. One degraded or ill-conducted worker will demoralise a family; one disorderly family inexplicably lowers the conduct of a whole street; the low-caste life of a single street spreads its evil influence over the entire quarter; and the slum quarter, connected with the others by a thousand unnoticed threads of human intercourse, subtly deteriorates the standard of health, morality and public spirit of the whole city. Fortunately, though this is less often noted, improvement is as contagious as deterioration. Habits of regularity, punctuality, self-control, and even good manners learnt in a well-regulated factory, sooner or later become customary in the home. Men and women habituated to the perfect ventilation and elaborate sanitary conveniences enforced by the factory inspector, will no longer put up with cottages built "back to back," windows that won't open, stopped-up drains, and the barbarous common "privies" of neglected slums. Young men and women growing up in families in which regularity of employment has been the reward of skill and character, and the weak sub-

mission to conditions below the standard is denounced as fraudulent, develop a desire to become skilled workmen, enjoying conditions at least equal to those of their parents. It is homes such as these—not those of the sweated workers—which give us the race of sturdy working-class citizens, capable of voluntary co-operation or political self-government. And it is by having the labour of such citizens at his command that the employer can undertake enterprises which have never been possible in the past with slave labour, even to monarchs with an unlimited command of it, and with the assistance of an intellectual and artistic culture which may without offence be described as at least not inferior to that of our Chambers of Commerce.

Considered from the narrower standpoint of the financial prosperity of a particular industry, the enforcement of a compulsory minimum of well-being by Common Rules has the inestimable, but incidental, advantage of improving not only the labour but the management and the processes of the trade concerned. When all the employers in a trade find themselves precluded, by the existence of a Common Rule, from lowering the conditions of employment — when, for instance, they are legally prohibited from crowding more operatives into their mills or keeping them at

work for longer hours, or when they find it impossible, owing to a strictly enforced Piece-work List, to nibble at wages—they are driven, in their competitive struggle with each other, to seek advantage by other methods. In this way the insistence on standard minimum conditions of employment positively stimulates the invention and adoption of new processes of manufacture. This has been, as a matter of fact, the actual origin of the making and adoption of new inventions in trade after trade. A classic instance, noticed by Karl Marx, was reported by the Government Factory Inspectors in 1858.[1] When all the employers in the woollen manufacture found themselves debarred from the labour of little children, they soon invented the piecing machine. Forty years later, when a slight limitation was, for the first time, put upon the hours of labour of laundry women, the immediate result was the introduction of machinery in order, as the Chairman of the Eastbourne Sanitary Steam Laundry Company explained to his shareholders, "to enable the women to do the work in less time."[2] In Victoria, when the Legal Minimum Wage was enacted for the boot and shoe operatives, we are expressly informed by

[1] *Capital*, Part LV. chap. xv. sec. 2; Vol. II. p. 390 of English Translation of 1887; *Industrial Democracy*, p. 725.

[2] *Laundry Record*, 1st March 1897; *Industrial Democracy*, p. 727, where other instances will be found.

the Factory Inspector in 1898 that "a large increase in the amount of labour-saving machinery is taking place in anticipation of the coming into operation of the determination (of the minimum wage) of the Boot Board."[1] A year later, Miss Cuthbertson, another of the Victorian Factory Inspectors, reports the effect of the enforcement, among the women in the slop clothing trade, of the legal minimum wage of twenty shillings per week. "The mode of manufacture," she reports, "has been materially altered since the determination (of the minimum wage by the Clothing Board) came into operation. Machine work has been substituted in so many places for hand work, and the sectional principle of manufacture has been adopted in the large factories."[2] At the same time the total number of women working at the trade had increased by 8 per cent in a single year.

And if we want to see the converse of the proposition, that the compulsory enforcement of minimum conditions by means of Common Rules positively increases the efficiency of the industry, we are provided with a contemporary object lesson in the fruit-preserving (jam-making) factories. In 1878, when this industry was first brought under inspection, the employers protested against

[1] *Report of the Chief Inspector of Factories* (Victoria), 1898, p. 9.
[2] *Ditto*, 1899.

any regulation of the hours of labour, or even of sanitation, during the jam-making season, on the plea that the fruit had to be dealt with as it was delivered. The House of Commons, instead of insisting that the employers should exert their brains so as to cope with difficulties inherent in their particular trade, weakly accepted their plea, and exempted them from the Common Rules enforced on other industries. What has been the result? The majority of British jam factories at the beginning of the twentieth century, present, during the summer months, scenes of overwork, overcrowding, dirt and disorder, hardly to be equalled by the cotton mills at the beginning of the nineteenth century. Women and young girls are kept continuously at work week-days and Sundays alike; often as much as a hundred hours in the seven days; and sometimes for twenty or even thirty hours at a stretch. The overcrowded, unventilated, uncleanly, and generally insanitary state of the workplaces—the puddles of dirty water on the floor, the clouds of steam in the "boiling room," the long hours of standing in boots and clothes made wringing wet by the faulty arrangements of the tubs and water supply—all these evils are described year by year in the official reports of the factory inspectors. But the exemption from regulation is also re-

sponsible for corresponding deficiencies in the technical administration of the industry. The very fact that the employers are legally free to make their operatives work without limit, and to crowd any number of them into one room, makes them disinclined to put thought and capital into improving the arrangements. The better disposed of them admit that the present system tempts them to buy carelessly; to make no adequate use of the telegraph and telephone in regulating deliveries; to dispense with cold storage, "so that it is a common custom to keep the fruit in workrooms exposed to heat, steam, and the deteriorating influence of congregated humanity." And, as if on purpose to complete the proof that these shortcomings are not inevitable in the business, and are merely the result of a disastrous exemption from regulation, we have the fact that, here and there, in different parts of the kingdom, a few firms stand out as preferring the "upward way"; scientifically organising their supplies, providing cold storage, working their operatives only normal hours, and seeing to it that the workplaces are clean and healthy. If the "downward way" were barred by law, as it is in cotton-spinning, all jam-making firms would long ago have been forced into the same course. "Why should I provide storage room," asked a manufacturer of

the factory inspector, "when I work as long as is needful to finish the fruit which has been delivered?" "The abuse of the exemption," remarked another, "is spoiling the jam trade. Those who insist on the necessity for it are those who hang about the markets till they can get fruit at the very lowest rate" (that is, when it is just "on the turn"). "The unsatisfactory conditions found in this trade," the factory inspector adds, "are clearly resultant on the absence of regulation. . . . Fruit is undoubtedly easily affected by atmosphere and by uncleanly conditions, and the surroundings in which the manufacture is often carried on account largely for the rapid deterioration of the fruit. . . . The mere fact that one employer, regardless of all other considerations, takes advantage of lack of regulation, makes competition so difficult that others are in self-defence driven to equally objectionable practices."[1]

We might indefinitely prolong the list of examples of the effect of the Factory Acts in improving the processes of manufacture.

This is now seen by the enlightened capitalist. "We employers," lately declared one of the leading captains of English industry, "owe more than as a

[1] Annual Report of the Chief Inspector of Factories and Workshops for the year 1898, section on "Fruit Preserving Factories," pp. 173-178.

body we are inclined to admit, to the improvements in our methods of manufacture due to the firmness and independence of trade combinations. Our industrial steadiness and enterprise are the envy of the world. The energy and pertinacity of Trade Unions have caused Acts of Parliament to be passed which would not otherwise have been promoted by employers or politicians, all of which have tended to improve British Commerce. . . . Every intelligent employer will admit that his factory or workshop, when equipped with all the comforts and conveniences and protective appliances prescribed by Parliament for the benefit and protection of his work-people—though great effort, and, it may be, even sacrifice, on his part has been made to procure them—has become a more valuable property in every sense of the word, and a profit has accrued to him owing to the improved conditions under which his work-people have been placed."[1]

Thus, the effect of a compulsory minimum on the organisation of industry, like its effect on the manual labourer, and the brain-working entrepreneur, is all in the direction of increasing efficiency. It in no way abolishes competition, or lessens its intensity. What it does is perpetually to stimulate the selection of the most efficient

[1] W. Mather, *Contemporary Review*, November 1892; *Industrial Democracy*, p. 727.

workmen, the best-equipped employers, and the most advantageous forms of industry. It in no way deteriorates any of the factors of production; on the contrary, its influence acts as a constant incentive to the further improvement of the manual labourers, the machinery, and the organising ability used in industry. Whether with regard to Labour or Capital, invention or organising ability, the mere existence of a uniform Common Rule in any industry promotes alike the selection of the most efficient factors of production, and their combination in the most advanced type of industrial organisation. And these results are permanent and cumulative. However slight may be the visible effect upon the character or physical efficiency of the wage-earner, or the employer within one generation: however gradual may be the improvement in processes or in the organisation of the industry, these results endure and go on intensifying themselves so that the smallest steps forward effect, in time, an advance of the utmost importance.

4. *Poor Agriculture!*

We are now in a position to understand more completely the result upon all our trades of the foreign competition, that we have described. We saw that its effect was to put each particular home

trade into fierce competition with every other home trade—a competition not only for custom, but also for brains, labour and the use of capital. In this competition, it is clear, any lowering of the employer's expenses of production gives an advantage to the trade concerned. Thus the parasitic trades, where the employers are able to exact from their workers more labour-force than they replace, tend to expand at the expense of other industries. On the other hand, we have shown that the regulated trades are also able to lower their cost of production, not by sweating but by the increased efficiency caused by the enforcement of Common Rules. The regulated trades, therefore, also tend to expand at the expense of other industries.

Who then are the victims of the subsidised competition of the parasitic trades on the one hand, and of the increased efficiency of the regulated trades on the other? The answer is clear. The losers in the industrial struggle are those trades which are, at the same time, unregulated and self-supporting—which receive, in fact, neither the subsidy of parasitism nor the stimulus of regulation. Of these, in the United Kingdom of the last fifty years, the principal example has been agriculture. The farmer has been free from all Common Rules. In the absence of any legal minimum or effective Trade Unionism, he has

always been free to hire his labour at the lowest possible wages. He is able to insist that the day's toil shall endure from sunrise to sunset, and is under no obligation to take expensive precautions against accidents or unhealthy exposure. But owing to the geographical conditions of the industry, it so happens that he gets no more labour-force than he replaces by his low wages and uncomfortable conditions. He has no opportunity of securing fresh relays of workers from better-paid sections of the community. He has, in the vast majority of cases, to rely on a small group of families, with whom agriculture has been hereditary—who for generations have had no more to live on than the farmer has given them. Hence the scanty food and clothing, long hours, exposure to weather, and insanitary housing accommodation of the rural population produces slow, lethargic and unintelligent labour.

The industry, moreover, because of its "freedom" from regulation, gets none of the stimulus to improvement which, as we have seen, is caused by the enforcement of the Common Rule. It is therefore not surprising that, in a century of unparalleled technical improvement in almost every productive process, the methods of agriculture have, we believe, changed less than those of any other occupation. In the rivalry between trades it has

steadily lost ground, securing for itself an ever-dwindling proportion of the nation's capital, and losing constantly more and more of the pick of the population which it nourishes. In the stress of international competition it has gone increasingly to the wall, and far from being selected, like such highly regulated trades as coal-mining and cotton-spinning, for the supply of the world market, it finds itself losing more and more even of the home trade; not to any specially favoured one among its rivals, but to all of them; not alone in wheat-growing but in every other branch of its operations.

The case of agriculture may be paralleled by those of certain other industries which, escaping the advantage of regulation, have failed to make up for their "freedom" by any parasitic subsidy. The steady decline of the nail manufacture in the Black Country is directly to be attributed to its freedom to work below the level of decent subsistence. Owing to the disinclination of Parliament to interfere with the "domestic workshop," and to the absence of Trade Unionism, the nail workers have been without any effective Common Rules as to wages, hours or sanitation. To each individual warehouseman it has seemed easier to take full advantage of the competitive struggle for employment, and lower the rate of payment, than

to set up a factory, introduce machinery and organise a trained staff. Unfortunately for this calculation, the nail workers, like the agricultural labourers, are not recruited from other sections of the community. The employers find that they can get no relays of unexhausted workers. Every cut at rates, every lengthening of the working day, involves, therefore, a corresponding deterioration in the human beings concerned and their degenerate successors; causes increased irregularity, misconduct and disorder; and so reduces the quantity and quality of the work done that the employers may, after a hundred years of such experience, well be justified in their assertion that the labour is not worth even starvation wages.

5. *The Inevitable Conclusion.*

We can now sum up the case for the regulation of labour.

1. Unfettered freedom of competition for employment, in industries carried on for profit, enables (and in most instances compels) the employer to beat down the ordinary manual worker to the lowest terms compatible with continued existence. This, we find, as a proved matter of fact, to be the invariable concomitant, in the England of to-day, of industries conducted for profit in which there

are no Common Rules enforced, either by law or Trade Unionism.

2. Unregulated trades are of three distinct types: Subsidised Labour Trades, Labour-Deteriorating Trades, and Self-Supporting Bare-Subsistence Trades. In Subsidised Labour Trades, women, young persons and children are paid wages insufficient to maintain them at the required standard of health, conduct and efficiency; but the balance is made up to them by their relations employed in better-paid occupations. In Labour-Deteriorating Trades, paying equally insufficient wages, any such pecuniary subsidy is unusual; therefore the workers, rapidly deteriorating under their bad conditions, are constantly replaced by relays of individuals from other sections of the community, who are "used up" in their turn, and passed on to the hospital or the workhouse. In Self-Supporting, Bare-Subsistence Trades, the employers are debarred alike from pecuniary subsidy to their labour, and from recruiting it by new relays of unexhausted individuals. However inferior may be their wages and other conditions of employment, they get, and know that they can get, no more labour-force than they replace.

3. In industries of the first two types—the Subsidised Labour Trades and the Labour-Deteriorating Trades—the cost of production is lowered, and

the expansion of the industry artificially favoured, exactly as if the employers received a "drawback" or "bounty" from the national exchequer. As regards the health and industrial efficiency of the workers concerned, industries of the first type are economically somewhat analogous to those which, under the Old Poor Law, received a "rate in aid" of wages. In industries of the second type, the parasitism is disastrous to the community. What they abstract from the nation is no mere money tax, but the energy, capacity and character of successive generations of citizens. Finally, in industries of the third type, the lot of the operatives may be hard; but the employer gets no advantage over other trades; and the workers, together with their families, are at any rate, at their low level, completely maintained.

4. These bad conditions of employment—popularly known as "sweating"—are not inevitable. In one trade after another, where they formerly prevailed, they have been effectually cured. A hundred years of experiment proves that the remedy is the substitution, instead of Individual Bargaining, of a minimum enforced by Common Rules, prescribing standard rates of wages, a normal working day, and definite conditions of sanitation and safety. Wherever these are really enforced, whether by Collective Bargaining (Trade Unionism), or by

Legal Enactment (Factory Acts), or both, the evils of the sweating system are unknown.

5. The regulation .of an industry by these Common Rules is not only not injurious to it: it is positively advantageous. The Common Rules prevent the employers from exacting labour-force in excess of that which their wages replace. They heighten the incentive to invention and intelligent management, increase the total product, and lower its cost. They defeat the false national economy of "nibbling at wages," "cribbing time," and parasitism. These results are on record in trade after trade, where the effective enforcement of Common Rules has actually resulted in an improvement of processes, a better organisation of labour, increased stimulus to the brain-working managers, and the progressive advance in health, intelligence and conduct of the manual labourers.

6. In the United Kingdom to-day, under the stress of keen foreign competition, we see two sets of industries gaining ground in the world-market. On the one hand, those trades which enjoy a high degree of regulation, such as coal-mining, cotton-spinning and ship-building, easily go ahead of their competitors at home or abroad. On the other hand, such sweated trades as the manufacture of slop-clothing, with its subsidy of unpaid-for cheap labour, expand and flourish. The

industries which are really dwindling under the competition of other trades are those which—like English agriculture—find themselves unable to get more out of their workers than they pay for, but do not enjoy the economic advantages of regulation.

7. The expansion of the regulated trades is entirely advantageous to the community, both financially and in its effect on the character of the citizens. On the other hand, the expansion of the parasitic trades is entirely injurious to the community: the pecuniary profit is delusive, and not a real asset, whilst the physical and moral deterioration of the operatives amounts, in sober truth, to a succession of national calamities.

The conclusion, forced upon us by a century of experience, is that we must, if we are to maintain our position as a strong and efficient race, enforce in every industry, by one method or another, definite Common Rules prescribing a National Minimum of wages, leisure, education, sanitation and safety.[1]

[1] For a detailed application of the Policy of a National Minimum —with full consideration of such "difficulties" as are presented by children and women, the unemployed and the unemployable, the competition of boys and women with men, the inequality of standards between skilled and unskilled—the reader must refer to *Industrial Democracy*, Part III. chap. iii. section (e).

6. *The Need for Law.*

It will have occurred to some of our readers that in the foregoing description of the actual working and results of the Common Rule, we have ignored the distinction that some of these regulations are enforced by Law and others by Trade Union action. The fact is that the use of the two methods of enforcement has, hitherto, been so indiscriminate that it is not possible to investigate the working of the Common Rule without taking both methods of enforcement together. Thus, within our own English-speaking Empire, we find a Standard Rate of Wages for men, women and children in some places enforced by the Courts of Law, as in Victoria; whilst in other places, such as England, it is left to the Trade Unions. On the other hand, in Lancashire the law regulates in detail the humidity and temperature of the cotton mills, and prescribes the very wording of the wage-ticket; conditions which are elsewhere left to voluntary agreement. As for the hours of labour: though women, young persons and children are, in England, nominally regulated as regards all manufactures, it is only in the textile industries that the law can be said to have been effectually defined and enforced. On the other hand, in the most up-to-date Colonial legislation about the hours of work, no distinction

is made between one trade and another. Railwaymen in England find their hours of labour limited by Board of Trade Order, made pursuant to Act of Parliament; whilst railwaymen in Victoria have to rely on their Trade Union in this respect. On the other hand, miners in Victoria have an Eight Hours Day by law, whereas miners in England have still to fight the matter out with their employers. And if we turn to the no less important conditions of Sanitation and Safety, we find every country, in every decade, differing widely from the rest, as to which particular Common Rules it enforces by law, and which it prefers to leave to Collective Agreement between employers and employed.[1]

There is, of course, a great difference between Trade Unionism and Factory Legislation, but it so happens that this difference does not concern the present argument. Some people, indeed, profess to approve of the principle of the Common Rule when it is a matter of Trade Unionism, and to object to it when it is a matter of Factory Legislation, because, as they say, they dislike compulsion, and regard Trade Unionism as merely a matter of voluntary

[1] For an exhaustive account of Trade Unionism the reader must be referred to S. & B. Webb's *History of Trade Unionism* (London, 1894), and for an analysis of all the different regulations and methods to Parts II. and III. of *Industrial Democracy*.

agreement. But this is a mistake; if there is to be a Common Rule at all, it must, it is clear, supersede the individual decision. The very object of a Standard Rate, a Normal Day and definite conditions of Sanitation and Safety is, not to benefit a few exceptionally strong or favoured workers, who may have deliberately agreed to it, but to establish a dyke which shall stave off the pressure of competition from the livelihood of all the workers in the trade, and throw it upward upon the quality of the service rendered by both brain-workers and manual labourers. Clearly, so far as the Trade Union maintains this dyke, it inevitably exercises a very real compulsion on those employers and those wage-earners who would otherwise have made individual bargains at a lower level. Take, for instance, the Oldham weaver, who works under both methods. The rate of her wages is determined entirely by Trade Unionism; her hours of labour and sanitary conditions are fixed by law. But there is no more individual choice in the one than in the other. An employer or a weaver would find it easier and less costly to defy the Factory Inspector and work overtime, than to defy the Trade Union and evade the Piece-work List of Prices. Or, take the Northumberland coal-miner. He for particular reasons, objects to have his hours fixed by law. But we need be under no delusion as to

his "personal liberty" or his views on that subject. If any inhabitant of a Northumberland village offered to hew coal below the rate fixed by the Trade Union for the whole county, or if he proposed to work two shifts instead of one, the whole village would rise against him, and he would find it absolutely impossible to descend the mine, or to get work anywhere in the county.

But though the enforcement of the Common Rule by Trade Unionism is, and must necessarily be, just as much a matter of compulsion as its enforcement by Factory Legislation, there are interesting and important differences between these two methods. Trade Unionism both develops and teaches democratic self-government. In times of exceptional profits it enables the strong trades, and especially the stronger sections of such trades, to make successively larger and larger demands, and so to raise their own standard of life above the National Minimum enforced by law. But this attempt must necessarily be purely experimental, and conducted exclusively at the cost of the persons who are to be profited. In so far as any rise in the level of the Common Rule results in an increase in the efficiency of the industry, each Trade Union can safely push its own interests. But any such attempt will be dependent for success on forces which cannot be foreseen, and many of which are unconnected with

the efficiency of the manual workers themselves. The rapidity of industrial invention in a particular trade, the extent to which it is recruited by additional brain-workers, the ease with which new capital can be obtained, will determine how quickly the Trade Union can, by raising its Common Rule, stimulate efficiency, and concentrate the business in its most advantageous centres. And there is another direction in which, under a system of private enterprise, a Trade Union may successfully push its members' interests. A legal monopoly or exclusive concession, a ring or syndicate, will secure for the capitalists of the trade exemption from competition and exceptional gains. The same result occurs whenever there is a sudden rush of demand for a new product or a sudden cheapening of production. If the wage-earners in those trades are strongly organised, they can extract some part of these exceptional profits from the employers by the method of collective bargaining. From the point of view of the community there is no reason against this "sharing of the plunder," as the expenditure of the workmen's share, distributed over thousands of families, is just as likely to be socially advantageous as that of the swollen incomes of a comparatively small number of newly enriched employers.

On the other hand, Trade Unionism has "the

defects of its qualities." It is often said that "it helps those who help themselves." Unfortunately, this phrase comes to nothing more than the assertion that the workers can help themselves by voluntary combination in many cases in which they cannot help themselves by individual action. But effective voluntary combination is only possible where the conditions of the industry mass the workers together, and drill and discipline them to joint action—that is to say, only in the factory and the mine, and, as we shall presently see, not always even there. For the majority of wage-earners, scattered singly, or in groups of two or three, in separate farms, yards, shops or kitchens throughout the country, combination is impossible. Indeed, even the most flourishing Trade Unionism finds that it has to rely on Factory Legislation to secure its minimum, and to establish its main Common Rules permanently. Besides, in spite of enormous advantages of Trade Unionism to the worker, the employer and the nation, the fact that it operates sectionally, pursuing the interest of a single trade or group of amalgamated trades rather than of the whole community, produces conflicts between trade and trade, and between skilled Unionists and outsiders seeking admission to their trade, which are by no means always conducted or settled in the public interest. Strong Trade Unions have often insisted

on conditions injurious to other classes and detrimental to the community. In an elaborate description of Trade Union Regulations we have shown that Trade Unions have not limited themselves to the modern device of the Common Rule: they have, in some places, and at some times endeavoured to obtain a monopoly of the service for their own members by limiting apprentices, excluding foreigners and women, by obstructing machinery and restricting output, and by otherwise insisting on an exclusive "right to a trade."[1] And above all, the attempts of Trade Unions on the one hand, and Employers' Federations on the other to enforce their demands, whether these be wise and beneficial or grasping and injurious, frequently lead to strikes and lock-outs, causing often serious economic harm to the community as a whole.

The relative advantages and disadvantages of Trade Unionism do not, however, concern us here. What we are discussing is the best available means of preventing "sweating" and industrial parasitism. This remedy we have found in the enforcement, throughout each trade, for each class of workers, of Common Rules prescribing the minimum con-

[1] The bad side of Trade Unionism is fully treated in *Industrial Democracy*, see Part II. chapters x. and xi. on "The Entrance to a Trade" and "The Right to a Trade"; and also Part III. ch. iii. sec. (a) "The Device of Restriction of Numbers."

ditions of employment. These Common Rules we have shown to be in successful operation in many prosperous trades, enforced sometimes by law and sometimes by Trade Unionism. And it so happens that the very conditions which produce the evils of sweating and industrial parasitism make it quite impossible for the unfortunate workers to help themselves. There is not, and never has been, in any sweated trade, a Trade Union capable of enforcing a Common Rule. After a whole century of attempts, we may quite certainly say that there never will be such a Trade Union. Before wage-earners can exercise the intelligence, the deliberation, the self-denial, and the administrative capacity that are necessary for effective Trade Unionism, they must enjoy a certain standard of physical health, a certain surplus of energy, and a reasonable amount of leisure. But these are the very conditions which are always absent in the sweated trades: their absence is, in fact, the essence of sweating. It is, for instance, hopeless for the casual dock labourers of London to attempt, by collective bargaining, to maintain any effective Common Rules against the will of their employers. Even if every man employed at dock labour in any given week were a staunch and loyal member of the Trade Union; even if the Union had funds enough to enable these men to stand out for better

terms, they would still be unable to carry their point. The employers could without appreciable loss fill their warehouses the very next day by an entirely new set of men, who would do the work practically as well. There is, in fact, for unspecialised manual labour a practically unlimited "reserve army," made up of the temporarily unemployed members of every other class. As these form a perpetually shifting body, and the occupation of "general labouring" needs no apprenticeship, no combination, however co-extensive it might be with the labourers actually employed at any one time, could deprive the employer of the alternative of engaging an entirely new gang. The same reason makes it for ever hopeless to attempt, by collective bargaining, to raise appreciatively the wages of the common run of women workers. It is, on the face of it, cruel mockery to preach Trade Unionism, and Trade Unionism alone, to the seamstress sewing day and night in her garret, for a bare subsistence; to the white lead or pottery worker whose health is undermined by wrist drop or "potter's rot"; but though these cases supply the most sensational instances, the disability for Trade Unionism extends over the whole field of unregulated female labour. Where, as is usually the case, female labour is employed for practically unskilled work, needing only the briefest ex-

perience ; or, where the work, though skilled, is of a kind into which every woman is initiated as part of her general education, no combination will ever be able to enforce, by its own power, any standard rate, any normal day, or any definite conditions of sanitation and safety. No reasonable person could, we imagine, expect the boys and girls (who form in some of the parasitic trades the bulk of the labour employed) to be able to combine to exact from their employers healthy workplaces and "half-time" for technical education. When any British statesman makes up his mind to grapple seriously with the problem of the "sweated trades" he will have to expand the Factory Acts into a systematic and comprehensive Labour Code, prescribing minimum conditions of wages, leisure, education and health, for each class of operatives, below which the community will not allow its industry to be carried on.

II.

THE HISTORICAL DEVELOPMENT OF THE FACTORY ACTS.

THE Factory Acts owed their first inception to the growth of the spirit of scientific inquiry into questions of public health. Dr Percival, the pioneer of sanitary reform in Manchester, was invited by the Justices of the Peace to inquire into the causes of a serious epidemic among the factory population in 1784, and became convinced of the need of placing the mills under supervision and legislative control from actual personal investigation of the conditions of factory industry.[1] Among the conditions he desired to see regulated, he expressly mentioned the hours of work, which were so long as to be, in his opinion, a contributory cause of disease through confinement and exhaustion, and in consequence of his representations the magistrates of the county passed a resolution (reprinted in the Report on Parish Apprentices, 1815) that they

[1] "Thoughts on Preserving the Health of the Poor," by Sir William Clarke. 1790.

would not in future allow "indentures of Parish Apprentices whereby they shall be bound to owners of cotton mills and other works in which children are obliged to work in the night or more than ten hours in the day." This resolution is probably the earliest recorded attempt of any public body to limit the hours of children's labour.

During the nineteenth century a series of Parliamentary Inquiries and Royal Commissions produced an immense mass of material and evidence bearing on various industries and employments; the reports of factory inspectors regularly printed since 1834 contain the information collected by trained observers; and employers of labour themselves have in many instances tried experiments in factory reform on much the same lines as the Acts, and in some cases have recorded the results. It cannot, therefore, be seriously maintained by any one who looks into the matter that any government has taken up the control of industry rashly or inconsiderately, at the bidding of sentimental philanthropists, or without sufficient information. English factory legislation has on the contrary been eminently timid, cautious, tentative and slow; it has lagged far behind the ideals of its promoters, and the needs of the classes most concerned. It has, however, the great merit of having been based on facts and not merely on *à priori*

grounds; the working of each Act has served as precedent or experience for subsequent efforts; and although there have been mistakes to correct, and here and there details have crept in of a retrogressive tendency, there has been no surrender of principle. The most violent opponents have directed their attacks only to the particular extension proposed at any given time. No comprehensive repeal has ever been suggested, seriously or otherwise, and, so far as we can see, it is not within the range of practical politics that such a measure should be even considered. The great problem of the would-be reformer, indeed, is not so much the disintegration of active opposition—time generally seems to do that for him—as the obtaining and formulating of sufficiently accurate knowledge. It is not enough to have an ardent desire for the improvement of industrial conditions, nor is it enough to communicate a sympathetic impulse to the House of Commons; prolonged investigation and careful adaptation of the means used is essential. Lord Ashley (afterwards Lord Shaftesbury) was accused of exaggeration in his calculation of the distance daily traversed by a child in its attendance on the machine; but it appeared on investigation that he had estimated it rather below than above the mark. All his religious zeal and enthusiasm could not have given his cause such

authority over his opponents, as such a simple piece of accurate testimony.

Nothing can be done for the regulation of industry until the industry itself is, so to speak, mapped out and the conditions prevailing in it understood. This is the key to the difficulty which has been one fertile source of attack on factory acts; the apparent partiality and injustice of passing measures to improve one set of workers, while another has nothing done for it. It has been said continually, Why should the law give children in cotton factories a shorter day when they already do not work so long as the children of handloom weavers; or why should the law try to improve things for women and girls in textile factories, while those in laundries, in some kinds of domestic service, or in agriculture perhaps, are suffering worse hardships? The answer is simply that these matters cannot be based on any principle of abstract justice, they have to be based on knowledge and experience. The factory industry was first regulated because it was most easily accessible, most easily investigated, and because the operatives being assembled together in large numbers under one roof, it was possible to make rules for the prevention of excessive work and insanitary conditions with some chance of their being observed. As other industries became better

known and their needs were forced on public attention, the evidence then to hand of the beneficial influence of the Factory Acts came in as an incentive and stimulus to the regulation of trades more difficult to control, and the experience of the inspectors was a guide for further efforts. This is not, of course, intended to imply that any government has ever done as much as it could with the means and information at its disposal; on the contrary, each has "sinned against light," especially by omission, and at the present time, undoubtedly, considering the investigations that have been carried through and made public, a great deal more might ere this have been accomplished for improving the conditions of employment in some of the peculiarly sweated industries. Still, on the whole, it remains true that knowledge is the prime condition of effective legislation and the line of least resistance is through the region that is most thoroughly explored.

It will be convenient, instead of following the Acts in chronological order (a plan which involves considerable repetition), to consider them under different aspects, and the classification here adopted is that of Herr Otto Weyer's admirable text-book:—

1. Extent of application to (*a*) Industries, and (*b*) Classes of Persons.

2. Scope of Protection, including (*a*) Limitation of Hours, (*b*) Provision for Health and Safety, (*c*) Education.
3. Method of Administration.

1. *Extent of Application.*

The first Factory Act (1802)[1] extended to cotton and woollen mills, and its regulation for the most part applied only to "apprentices."

The evils of child labour at this time were aggravated by the employment of pauper children who were sent down from the workhouses of London and other great towns to any manufacturer who would take them, a small premium being usually paid as an inducement. There was no system of control or inspection from outside; the factories were frequently set up in some remote glen or lonely valley where a waterfall or stream provided cheap power for the machinery, and where the restraint of public opinion and observation was almost entirely absent. There can be no reasonable doubt that these unhappy children were often worked almost or entirely to death by their masters, or by their overseers, whose interest was to work the apprentices to the utmost, their pay being in proportion to the labour they could exact. Sir

[1] 42 Geo. III c. 73.

Samuel Romilly says in his diary that he had known cases where the apprentices had been actually murdered by their masters, in order to get fresh premiums with new apprentices. Terrible stories were circulated about the mills, and it is noticeable that the framers of the Act evidently conceived of it solely as an exceptional remedy for exceptional and recent evils. The preamble states that "it hath of late become a practice in cotton and woollen mills and factories to employ a great number of male and female apprentices and other persons, in the same building, in consequence of which certain regulations have become necessary to preserve the health and morals of such apprentices and other persons." In the following decade fresh legislation was called for on the ground that the evils complained of were not peculiar to the employment of apprentices but were to be found in cotton-mills employing children generally. But for some time longer the regulation of industry was dominated by this conception of some special wrong or special hardship which it behoved government to set right. The early factory reformers seldom made a claim for the control of industry generally. They were usually men who were intimately acquainted with the manufacturing districts and whose hearts were wrung with the evils they saw, imagining them to be peculiar to the time and

place they knew. Robert Owen thought it was only within thirty years that children had been worked more than twelve hours a day. Richard Oastler laid all the blame on the factory system and confidently believed domestic industry might be re-established and would restore happiness and content to the working classes. But when the Act of 1833 had been passed, regulating nearly all textile industries, it happened that one after another, the various industries allied with textiles came under notice; someone would inquire and investigate and discover that conditions were quite as bad in this, that, or the other trade as they were in the textiles. In one of the excited debates of 1844, when the Ten Hours Movement was at its height, Sir Robert Peel thought to make an unanswerable point by bringing forward some terrible details of the conditions under which women and children worked in industries which the Bill before the House would not touch :—"I advise you," he said, "to contemplate the extent of your legislation if we are to undertake the regulation of all labour in respect to which females are employed and excessive labour required. In the plate and saucer manufacture," he continued, quoting from a recent report, "children worked in a temperature from 100 to 130, carrying pieces weighing 2 lbs., and each child carrying two at a time. The calculation is that the child will

carry per day some thousands of pounds weight. In manufactures other than cotton work might sometimes be continued thirteen, fifteen, even seventeen or eighteen hours consecutively. Read the account of the earthenware, read the account of the lace manufacture, which are not to be touched by this Bill, read the account of the hosiery trade, but above all read the account of the dressmakers and milliners employed in this very town, and then answer me this question. Is it right to subject to these new and peculiarly severe restrictions, the labour in factories and to leave untouched all these other departments of labour in which female children are employed?" Now occurred one of the dramatic surprises of the House—"If you are prepared to legislate for these," he was continuing, when suddenly loud cheers came from both sides of the House. "*Are* you prepared to legislate for them?" he asked, surprised, and again came cheers! This little incident shows the line of development that public opinion was taking. The industries most nearly connected with textiles were the first to be taken under consideration, and Acts were passed dealing with print works (1845), bleaching and dyeing (1860), and lace works (1861). In 1863 the legislature took a step outside the charmed circle, and passed an Act imposing sundry regulations in bakehouses; the Act of 1864 included earthen-

ware, lucifer matches, percussion caps and cartridge making, paper-staining and fustian-cutting.

Equally significant is the gradual inclusion of different classes of persons. The Act of 1802 applied to apprentices only, a special class of peculiarly circumstanced persons. The Act of 1819[1] took cognizance of two classes, children under 9, whose employment was prohibited, children from 9 to 16, whose employment was placed under certain restrictions. The Act of 1833[2] included three, children under 9, as before, children from 9 to 13, and "young persons" from 13 to 18. The Act of 1844[3] took a remarkable departure by its inclusion of women under the same regulations as those made for young persons. One of the unexpected results of the Act of 1833 had been the partial displacement of young persons by women, who not being subject to any regulation could be worked as long as the masters chose. It appeared from evidence given before the committee of 1840 that in some of the cotton mills persons over 18 were sometimes worked fourteen successive hours without even an interval for meals, taking food as they could. Mr Bury stated he had known young women near their confinement worked fifteen

[1] 59 Geo. III. c. 66.
[2] 3 and 4 Will. IV. c. 103, known as "Althorp's Act."
[3] 7 and 8 Vict. c. 15.

hours a day. Sir James Graham said in debate[1] that the restriction which had been already imposed upon the labour of children and young persons had driven those who "sought to evade the law" to avail themselves of women's labour, and he quoted Mr Horner as saying that in factories over 50 per cent. work-people were females and of them nearly 17 per cent. were over 18 and 27½ per cent. were married women. An extraordinarily vehement debate took place, Mr Roebuck raising the general question of regulation in a long and impassioned speech. "I am here to learn," he said ironically, "that the man who has power over his own affairs and the woman who has control over the matters in which she engages are to be controlled, without cause, by restrictive laws." After much heated discussion, Sir Robert Peel, whose position seems to have been that of opposition to more than the bare minimum of regulation, but favourable to including women under the existing law, made a few cautious remarks. He showed that the evil of legislative interference appeared from the inspectors' reports to be less than might have been anticipated, and that the previous restriction of young persons' work, having caused more women to be employed, had, as it were, made it necessary

[1] Hansard, 3rd May 1844

to introduce some measures of regulation for them. There were not many mills which worked more than twelve hours, but the ones that did so, usually employed married women. The inclusion of women in the regulations for young persons became law in 1844.

In the factory extension movement of the "Sixties" attention began to be given more and more to the fact that while the factory industry was now under some measure of regulation, there were subsidiary branches of work, equally in need of it, which were left entirely free. Take, for instance, the lace manufacture which was carefully studied by the Children's Employment Commission. Mr J. E. White's report (First Report 1863, p. 182, see also Second Report 1864) went to show that the "dressing" or "finishing" of lace was carried on in warehouses or in private houses, and employed many more hands than the lace factories, and he arrived at the general conclusion that in these branches of the lace manufacture there was "a larger number in greater need of protection, than those to whom the protection of the Legislature had been extended." The hours of work were liable to be extremely long, and children even of 7 were sometimes employed.

So with fustian-cutting. (First Report p. 255.) Children too young to be employed in a factory

might be set to work in private dwellings, in which the trade to a large extent was still carried on. "Fourteen hours a day is in most places the admitted average of a child's work, broken by meals but at uncertain times. Yet the way in which the average is obtained makes the nature of the occupation still more hurtful. It is a habit among cutters to make play-days more or less of the Monday and Tuesday in each week and work up the average in days of eighteen and twenty hours at the week's end, in not a few instances working the whole of Friday night." Employers and employed were almost unanimous as to the benefit that would be gained by putting these workplaces under the operation of the Factory Acts, and that the same amount of work might easily be done in a reasonably limited and regular working day.

Mr Walpole introduced the Factory Extension Bill and the Workshops Bill on March 1, 1867, in a speech in which he described how numbers of people were employed in industrial operations connected with the factory industries, but were not included in the regulations of the Factory Acts. "Those engaged in the lace and hosiery trade amount to 320,000, while those employed in making wearing apparel amount to 858,000; in all, 1,178,000 out of the 1,400,000 women and

children in the industries dealt with by the Commission. With respect to these two trades the Report of the Commissioners convinces me that the evils incident to the employment of women and children in them are unfortunately greater than the evils which have been found to exist in many of the factories already under inspection. I am sorry to add that we find these evils are aggravated to a tenfold degree in the small workshops where children are found at work. The early age at which they are forced to work, the length of time during which they are employed, the incessant labour which they are compelled to go through, the bad ventilation, the deficiency of air and exercise, the miserable want of education and all the miseries that necessarily flow from these causes make them appeal to our sense of justice and right." Mr Walpole divided his subject into two branches, the trades carried on in large establishments and in the small, the nature of the work done being often more or less the same in both. From this time we see the old conception of factory legislation as an exceptional remedy for the troubles of exceptional industries abandoned, and the question of regulation thenceforward hinges rather on the classes of persons employed.

The Factory Acts Extension Act, 1867,[1] enumer-

[1] 30 and 31 Vict. c. 103.

ates some specific industries hitherto unregulated, but then commits itself to the broad designation of a factory as any place where fifty or more persons are employed. The Workshops Act[1] defines a workshop as being (for the purpose of the Act), "any room or place . . . in which any handicraft is carried on by any child, young person or woman, and to which and over which the person by whom such child, young person or woman is employed, has the right of access or control." Although the framers of the Act must have been aware that the Factory Acts did, in effect, regulate the hours and conditions of men's labour, they were still under the influence of the notion that protection must be extended only to those who were not "free agents," and, ostensibly at all events, they would do nothing for men. This timidity on their parts is the more regrettable that public opinion, having been awakened more than ever before by the revelations of the Children's Employment Commission, was just now exceedingly favourable to labour regulation, and it is highly probable that a comprehensive measure would not have met with much opposition. As it was, the Bill was involved in the absurdity[2] of making regula-

[1] 30 and 31 Vict. c. 146.

[2] See an interesting article in the *Westminster Review*, Jan. 1877, which discusses the anomalies of the Act of 1867.

tions for workshops employing say forty-eight men and one woman, child or young person, which were not to apply to those that employed forty-nine men, and it led to an unforeseen complication. The position of women had changed considerably since 1844, and a party had come forward which, whether rightly or wrongly, considered that the classing of women with children and young persons was equivalent to a slur on a woman's capacity and intelligence, and on economic grounds raised the objection that to place restrictions on women's work was to limit opportunities for employment which were none too numerous already. These objections are dealt with elsewhere on their theoretic side and it is only necessary here to record the facts. In 1874, when a Bill was brought in to complete the regulation of the work of children, young persons and women in textile factories, Mr Fawcett moved an amendment to omit the word "women." This was lost by 242 votes to 59.[1] But in 1878 when the Bill for consolidating the Factory Acts was before the House, Mr Fawcett again moved as an amendment to omit the word "women" in clause 16, which applied to work in private houses, and this was accepted.[2] The interpretation of this seeming

[1] Hansard, 23, 6, '74.
[2] Hansard, 21, 2, '78.

inconsistency should not be overlooked. The regulation of the textile industry was supported by the strongly organised trade-unionists of the cotton trade, women as well as men, who were able to exert some influence on Parliament and get their wishes at least in some measure attended to. The women employed in workshops and dwellings were not mostly members of any Union at all, but such organisation as they possessed was in the hands of ladies prominent in the women's forward movement, who had some political influence, and being themselves chiefly interested to secure for women equal political rights with men, made it part of their programme to agitate also against the special regulation of women's labour. How far this agitation voiced the real wishes of the workers themselves, how far their devoted friend and leader unconsciously substituted her own aspirations for theirs it would now be very difficult to ascertain. Mrs Paterson, as Secretary of the Women's Provident and Protection League, gave herself up to the women's cause, did yeoman's service in the uphill work of inducing working women to combine for mutual help and protection, and energetically supported the Factory Acts so far as they related to sanitary precautions and the restraint of children's employment.[1] The regula-

[1] See *Women's Union Journal*, 1876, etc.

tions she opposed seemed to her contrary to the general movement for the emancipation of women. The women's Unions she worked so hard to establish did not, however, after her death (in 1886) adhere to her policy in this respect, and they now recognise and support the help the law can give in improving the conditions of women's work.[1] The ground, however, has not yet been recovered and the State still countenances the overwork of women precisely in those industries which are most prone to the abuse.

The Factory Act of 1878,[2] although it admitted this diversity of regulation as far as women were concerned, was passed with the general object of doing away with the discrepancy and ambiguity of the existing law. The awkward designation of 1867, by which a factory was or was not a factory according to the numbers employed, was replaced by that of the motive power used. A factory was henceforth to signify a place in which machinery is moved by steam, water, or other mechanical power, and the designation was sub-divided into textile and non-textile. Some other workplaces specially included in the regulations for factories were enumerated in the Fourth Schedule of the Act. Workshops

[1] See Quarterly Report of Women's Trade Union League, recent years.

[2] 41 and 42 Vict. c. 16.

were defined as premises in which any article is made, altered, repaired, or adapted for sale by manual labour for purposes of gain, and to which the employer of the persons working therein has right of access. Domestic workshops were distinguished as those in which only the members of the family dwelling there are employed. The classes of persons regulated were the same both in factories and workshops, *i.e.* women over 18, young persons from 14 to 18, and children from 10 to 14. In domestic workshops Mr Fawcett's amendment had procured the exemption from regulation of women's employment, and women employed in workshops where no children or young persons were employed, were subject to a laxer regulation.

The Factory Act of 1891, which was passed during the impulse given to social reform by the disclosures of the Lords' Report on the Sweating System, by requiring that in certain cases a list of out-workers should be kept by the employer or contractor, and shown to the Inspectors on demand, made a tentative effort towards the regulation of home work. This Act also raised the minimum age of children's employment to 11, and prohibited the employment of women for one month after the birth of a child. Mr Evans Austin has pointed out the careless drafting of this clause: a woman being defined by the Act as "a female person over 18,"

mothers under 18 do not get the benefit of the restriction.

Laundries and shops have since been legislated for, but in so timid and perfunctory a manner that the young people employed in them enjoy little safeguard from overwork, and the women practically none at all. For further information see Summaries issued by the Women's Industrial Council, 12 Buckingham Street, Strand; also "Law and the Laundry," *Nineteenth Century* for Feb. 1897.

2. *Limitation of Hours.*

The limitation of the hours of labour has always been one of the chief objects of factory reform. Neglecting minor modifications, the Acts that were passed fall into two periods: the twelve hours day of the first Factory Act (1802) was adopted down to 1844 inclusive; the ten hours day was first enacted in 1847, and has been, generally speaking, embodied in Factory Acts down to the present time. It is perhaps not quite superfluous to explain that a "twelve hours day," or a "ten hours day," usually means so many hours of work, *exclusive* of meal times, so that, *e.g.* a "ten hours day" does not mean working from 8 A.M. to 6 P.M., as we might suppose, but from say 7 A.M. to 6.30 or 7 P.M., including those pauses for rest and refresh-

ment which are customary in properly conducted businesses and are also appointed by law. In some of the literature of the subject, however, the working day is spoken of with meal times *included*, and it sometimes requires a little consideration of the context to decide which construction is intended. Where not otherwise stated, a "ten" or "twelve" hours day here means, exclusive of meal times.

Sir Robert Peel (the elder) brought the question of children's employment before the House of Commons in 1815, and he recommended "that no child should be employed under the age of 10 years, and that the duration of their labour should be limited to twelve and a half hours per diem, including the time for education and meals, which would leave ten hours for laborious employment." The matter was referred to a committee which was reported as H.C. 1816 III., and much evidence was produced that children were employed at a very early age; that they worked usually between 6 A.M. and 7.30 or 8 P.M., the intervals for meals being sometimes very inadequate; and that they were liable on occasion to be kept at work fifteen, sixteen, or even seventeen hours, or all night. Some masters, as, for instance, Arkwright's son, maintained better conditions, employed no child under 10, and required only about eleven and a half hours' work. Others, less firmly established in business, might wish to

follow their example, but would be forced by less scrupulous competitors to work as long as they did. The most interesting evidence given before this committee was that of Robert Owen, afterwards known to the world as a visionary Socialist and unpractical educational fanatic, but at that time engaged in the most careful and well-studied reforms in his own business. He was himself a cotton-spinner, having started in life on his own account at a very early age. He found it the common custom to employ children at 6 years old, and keep them at work with the older people from 6 in the morning till 7 at night. He tried various experiments in reducing child-labour and hours of work, the results of which he gave before Peel's Committee. He employed, he said, no children younger than 10, or for more than twelve hours in all, including one and a quarter for meals. He had previously worked fourteen hours, and had made the reduction gradually. He desired to make a further reduction of hours. He did not think the manufacturers would suffer either in home or foreign trade if they followed his example. He stated that the reduction of hours had resulted in a greater proportional output; and being pressed by the Committee (who appear to have been incredulous) to say how, he explained that a larger quantity might be produced in any given time by greater attention

of the hands, by saving breakage, by not losing time beginning or leaving off, and so on; and he also stated that from his own experience and observation he believed that a general reduction of the hours worked would so improve the health of the operatives and their intelligence also, by leaving more time for instruction, that it would effect "a very considerable diminution in the poor rates of the country."

A good deal of discussion was evoked by this Committee, and petitions came up from the manufacturing districts during the year 1818. One of these stated that the petitioners were compelled to work in unventilated overheated rooms fourteen or fifteen hours a day, and prayed for the reduction of men's as well as children's hours, to ten or ten and a half a day. It is needless to say no such advanced proposal was likely to find acceptance at that time. Lord Lauderdale said he had never heard of children being worked sixteen hours a day, and did not believe they were.[1] The line of opposition for some time consisted in optimistic incredulity of the facts alleged. Between this position and the enthusiastic hopes of the reformers and petitioners, there was a sort of moderate view which was somewhat to the effect that "free labour" ought not to be interfered with, however

[1] Hansard, May 5, 1818.

unwholesome; but free labour involved "free agents"; children were not "free agents," and "something" ought to be done for them. The Acts passed from 1819 onwards are a very fair measure of this somewhat vague benevolence and were practically ineffective, except in so far as they kept up a certain amount of interest in, and discussion of the subject. In 1825 an anonymous investigator demonstrated that the usual hours of work in Manchester [1] and its neighbourhood were fourteen or fourteen and a half, including meal times, but that the children actually worked harder than grown persons, as they were frequently set to clean machinery during the intervals set apart for dinner, etc. Dr Thackrah Turner, who appears to have closely studied the factory question, shows in a little book he wrote in 1831 ("The Effect of Trades and Occupations on Health") how the practice of working such long hours is introduced:—"The duration of labour is the opprobrium, rather of our manufacturing system than of individuals. The masters with whom I have conversed are men of humanity and willing, I believe, to adopt any practicable proposal to amend the health and improve the state of their work-people. But they are scarcely conscious of the

[1] "Hours of Labour, Meal Times, etc., in Manchester and its Neighbourhood," London, 1825.

extent of the mischief. We underrate evils to which we are accustomed. The diminution of the intervals of work has been a gradual encroachment. Formerly an hour was allowed for dinner; but one great manufacturer, pressed by his engagements, wished his work-people to return five minutes earlier. This abridgment was promptly adopted at other mills. Five minutes led to ten. It was found also that breakfast and "drinking" (afternoon meal) might be taken while the people were at work. Time was thus saved, more work was done, and the manufactured article could be offered at a less price. If one house offered it at a lower rate, all other houses, to compete in the market, were obliged to use similar means. Thus what was at first partial and temporary has become general and permanent . . . so established are the hours of work, that no individual master can, without loss, liberate his people at an earlier period. A legislative enactment is the only remedy for this."

In 1831-2 there was a great popular agitation for a ten hours Bill, led in Parliament, first by Mr Sadler, and afterwards by Lord Ashley. The object put forward was to save the children from overwork and exhaustion; but it was very well understood by all familiar with factory conditions that a ten hours day for children and young people, if effectively enforced, would reduce the working

hours of all employed in the mills to a corresponding amount. Lord Ashley's Bill, however, failed, and the Act passed in 1833 caused great disappointment, because, instead of fixing a uniform day of ten hours, it limited children to nine, and young persons to twelve hours. With the intention, doubtless, of making this regulation as easy as possible to carry out, considerable elasticity was permitted in the arrangement of the working day. Night work was forbidden, but the legal night was counted from 8.30 P.M. to 5.30 A.M., and the twelve hours work, and equally the one and a half hours meal time, might be distributed much as the employer chose through the fifteen hours of the "day." There were also numerous provisions for making up time lost by failure of water, accidents to machinery, and so on.

In practice it was found difficult to administer the law at all under these conditions. One of the inspectors in 1838 describes the ingenious devices of some employers to keep the mill working fourteen or fifteen hours. There would be a different scheme of meal times for different persons in the mill; sometimes those intervals would be made, nominally at least, absurdly long; the children could be retained the whole day from 5.30 A.M. to 8.30 P.M. on the plea that they were sent out for three hours between times. It of

course became almost impossible for the inspector to ascertain that they really were allowed the time required for rest and refreshment, and even if he could put his hand on a palpable extension of hours, the plea was always ready that lost time was being made up. This was by no means the case in all mills; there is abundant evidence that a large number of cotton-spinners themselves concurred in the provisions of the Act and maintained a twelve hours day, not only for the children and young persons, but as the general rule. But "in the hands of an interested or avaricious master," wrote Mr Rickards, one of the inspectors, in 1835, "a steam engine is a relentless power to which old and young are equally bound to submit. Their position in these mills . . . is that of thraldom; fourteen, fifteen, or sixteen hours a day is exhausting to the strength of all, yet none dare quit the occupation, from the dread of losing work altogether. Industry is thus in bonds; unprotected children are bound to the same drudgery, and hence the universal cry for restriction on the moving power." The law in fact was flagrantly unjust to the conscientious employer, in leaving so many loop-holes for evasion to those who were unscrupulous.

It was probably with a perception of the need for more strictly defining the working day that

Sir James Graham in Feb. 1844 brought in a Bill which prohibited work by protected persons between 8 P.M. and 6.30 A.M., or between 7 P.M. and 5.30 A.M. This, allowing for meal times, made the working day, it is true, no shorter than it already was by law, but rendered it very much easier to enforce. The Ten Hours Agitation was now again at a high pitch, and disappointment was felt that the new Bill went no further. In March the debate was resumed and Lord Ashley moved as an amendment that the "night" should be computed from 6 P.M. to 6 A.M. Lord Ashley's speech was an extraordinarily masterly exposition of the whole case for a ten hours day, the evil effects on women and the demoralisation of home life that were produced by the long hours customary, and by the women and children becoming the breadwinners of the family. Lord Ashley's amendment was carried by a majority of eight, and caused a great sensation in the country. The *Times* (20th March 1844) called the division "a triumph of humanity." On the debate being resumed on March 22nd, Lord Ashley definitely moved a ten hours clause. On a division being taken, the Government's twelve hours clause was negatived by a majority of 3, and Lord Ashley's ten hours clause was also thrown out, by 7 votes! The singular caprice evidenced by the House

resulted in the withdrawal of the Bill. The *Times* (23rd March 1844) had another rhetorical leader. "That a Minister who has compromised and conceded and even turned about so often should be staunch at last to the verge of martyrdom in defence of the sacred cause of twelve hours work without meals! (*sic*). On these two additional hours, Sir James Graham proclaimed, the prosperity of the nation depended. The glory of England has often before been declared at stake, but we never before heard the Empire placed on so ignoble a basis. The last hour of the day's task—that one hot, thirsty, dizzy, tottering hour of the poor consumptive girl or anxious mother—the palladium of the British Constitution! Is this all the trust Sir James Graham reposes in the powers of our constitution, the virtues of the British character, and the vast unfathomable resources of our Empire?"

Feeling on the other side was equally excited; there was much writing to the papers, and perhaps one curious argument used may here be reproduced. Sir Francis Head pleaded the cause of the operatives, as he saw it, with much force and originality.[1] Labour, he wrote, is the poor man's only property; other property-owners ought to combine to protect him in the enjoyment of it. The day is only

[1] *Times*, 2nd May 1844.

twenty-four hours long; therefore to enact a "ten hours day" was to deprive the operative of *seven-twelfths* of his only property! Whether owing to this ingenious calculation or to others of equal relevance, the Act eventually passed in 1844 maintained the working-day already in force, *i.e.* twelve hours work, between 5.30 A.M. and 8.30 P.M.

It was of course evident that matters would not stop here. Petitions streamed in for a ten hours Act, both from operatives and manufacturers. In the election of 1847 it was made a test question. Oastler undertook a campaign through the manufacturing districts, and was received everywhere "more like a victorious general than an agitator." One of the first Bills of the session was brought in by Fielden, passed by a majority of 78, and fixed the maximum working hours of women and young persons at ten, exclusive of one and a half hours meal times. No limits, however, were set to the working day within which the ten hours might be taken. This opened the way to numberless evasions. In 1850 a kind of compromise was effected, and a Bill was introduced according to which women and young persons were to be permitted to work ten and a half hours instead of ten, but only between 6 A.M. and 6 P.M. or 7 A.M. and 7 P.M., with, of course, as before, one and a half hours meal times. This Bill was passed, and was perhaps the most

important step yet taken. The inspectors, instead of having to inquire as to the working hours of individual persons, had simply to see whether they worked beyond the legal working day; and to still further lessen the possibility of evasion, it was enacted that women and young persons allowed to remain in any room of a factory where a manufacturing process is carried on, during meal times, should be held to be employed contrary to the Act.

The working day of twelve hours, less one and a half for meal times, remained the standard for some time, and was gradually extended from industry to industry. Its inclusion in the Factory Acts Extension Act of 1867 was received with favour. It is curious to compare the *Times* leader on this subject with those on Lord Ashley's amendment in 1844, quoted above. In 1867 it seems to have been recognised that there really was nothing so very heroic or philanthropic in the matter, but that common sense and economics were on the side of the Bill. The inspectors' reports are quoted as testimony to the good effects of restricted hours. "The worst result of the old system of unrestricted hours was that it tempted men to indulge in alternate fits of idleness and excessive labour. They would be drunk two days at the beginning of the week, and for the rest not only overwork them-

selves, but compel their wives and children to work unreasonable hours. . . . After all, there is but a certain amount of work to be got out of men, women and children in the twenty-four hours. Only a certain amount is in point of fact got out of them, and the effect of this regulation in the Factory Acts is simply to recognise the fact and induce all classes to act upon it. . . . Nor is such legislation less prudent than humane. There is no waste so wanton or so cruel as that of exhausting the energies of women or anticipating the strength of the young."

The framers of the Workshops Regulation Act of the same year, taking into consideration the difficulty of imposing a uniform day on widely varying trades and occupations, fixed a maximum of ten and a half hours for protected persons in workshops, but allowed the working day to extend from 5 A.M. to 9 P.M. The history of the earlier Factory Acts might have warned them that regulation on these lines is of little effect. The difference between factory and workshop regulation became still more marked after the Act of 1874, which shortened the hours of labour in textile industries by half an hour, and prohibited overtime. The Act of 1878 made for greater uniformity on the whole. In non-textile factory industries the ten and a half working hours in a twelve hours

day are imposed, but in workshops we again find a multitude of exceptions and provisions for elasticity and working over hours, much on the lines of the earlier Factory Acts. In workshops employing children or young persons as well as women, the same regulations were enforced as in non-textile factories, but in workshops employing no children or young persons, women might work only ten and a half hours, but might work any time between 6 A.M. and 9 P.M. In domestic workshops young persons may still work their ten and a half hours any time between 6 and 9, while women's work is entirely unregulated. The regulation of women's hours, especially, presents a singular chaos of conflicting principles which is inexplicable without the historical clue indicated above. There are signs, however, of a tendency towards greater stringency. The Act of 1891 required a fixed period of twelve hours—as 6 A.M. to 6 P.M., or 8 A.M. to 8 P.M.—to be chosen for women's work, in "women's workshops," and that this period may be anything between 6 A.M. and 10 P.M., it must be distinctly specified and adhered to. (58 Vict. c. 37 s. 28.) By the Act of 1895 the Secretary of State has power to make special rules modifying or limiting the period of employment "for all or any classes of persons" in any process certified to be dangerous or injurious to health.

As public opinion broadens to a larger conception of the duties of the State with regard to workers generally, it may be hoped that the special regulation of women's labour will no longer be felt to be invidious or objectionable.

3. *Health and Safety.*

The earlier Factory Acts contain only simple provisions for whitewash, ventilation and so forth. The dangers of machinery were not taken cognisance of by law until 1844, and then chiefly owing to the representations of the inspectors. Protected workers were prohibited from cleaning machinery, and dangerous portions "near to which any child or young person was liable to pass" must be securely fenced. These regulations were relaxed in 1856, in deference to an outcry against "meddling legislation," but again made more stringent in 1878. In the cotton trade special enactments have been made as to the carrying away dust by a fan or other mechanical means (1864 and 1867), and the temperature and humidity regulated (1889). Rules have been imposed (1878, etc.) as to sanitation, separate accommodation for the sexes, and so forth. The Act of 1878 also prohibits overcrowding a factory or workshop so "as to be dangerous or injurious to

the health of the persons employed," and the Act of 1895 defined overcrowding to be "a proportion of less than 250 or during any period of overtime, 400 cubic feet of space to each person." In the especially dangerous white lead industry, elaborate requirements are made for ventilation, lavatory accommodation, baths, overalls and respirators, and various other means to mitigate the danger the operatives are exposed to. Children and young persons are forbidden to work in this industry at all, and women are excluded, by special rules, from working in the most dangerous process, since 1898. By the Act of 1891 notice was required to be given to the Inspector by the occupier of the opening or occupation of all workshops, including those in which only adult men are employed, and power was given to the Secretary of State to make special rules for dangerous trades, "either generally or in the case of women, children, or any other class of persons." Regulations of this kind being in accordance with the general movement for raising the standard of public health, have not of late met with much real opposition. In the case of unhealthy or dangerous trades requiring scientific precautions it seems to be admitted, even by those who oppose regulation on general grounds, that the adult male worker, unless an expert, is little more capable of devising and insisting on the means

necessary for his protection than a child or a "young person."

4. *Education.*

The earlier Factory Acts generally contained an injunction that children were to attend school and be instructed for some hours weekly; but these enactments must be regarded rather as pious opinions than as serious efforts to cope with the distressing ignorance and demoralisation of the factory population. The responsibility of providing schools was laid upon the employer, who was not always an educational enthusiast, and it does not seem to have occurred to the framers of the Acts to ask themselves how much instruction a child of 9 was likely to absorb in addition to doing twelve hours work. The Act of 1833 made education rather more possible by limiting children's labour to forty-eight hours a week, and it prescribed two hours' daily schooling. But the Inspectors had great difficulty in enforcing even so much. The manufacturers started impromptu schools that should just meet the letter of the law. Mr Horner tells a story of a *soi-disant* schoolmaster who offered him a certificate of school attendance signed with a "mark" in lieu of a name, and on being invited to read the document aloud, had to confess his inability to do so. Another time he

found the so-called school in the furnace-room, the stoker alternately feeding his furnace and giving a lesson from books covered with coal dust! In 1843 the same gentleman writes that the district of Oldham contained not a single school, to over 100,000 inhabitants. Even if there were a good school near the factory, the factory children could not attend, partly because their working hours were so spread over the day that they were often not free of the factory till the school was shut, partly because their dirty, ill-smelling, working clothes made them very unwelcome scholars. The dame-schools, kept by poor and ignorant old women, offered a merely nominal instruction, and in the country where the smaller factories were scattered and far apart, the educational prospects were of the gloomiest. It belongs to the history of public education rather than of the Factory Acts to tell how the unfortunate jealousies of religious bodies kept back the educational schemes of one government and another. In 1844 an important step was taken by introducing what is called the half-time system. Factory children from 8 to 13 were to work either ten hours on three days in the week or six and a half every day, and were to attend school on the alternate days or for three hours daily (except Saturday). The occupier of the factory was re-

quired to obtain a certificate from the schoolmaster of the child's attendance. In 1870 the first comprehensive Elementary Education Act was passed, and it required children under 10 to attend school full time, and according to the Act of 1876, not to be employed at all. The Factory and Workshops Act of 1878 required children between 10 and 14 to work only as half-timers and to attend some "recognised efficient school" (which might be selected by the parent). A "recognised efficient school" was defined as any public elementary school fulfilling the requirements of the Elementary Education Acts of 1870 and 1873; any workhouse school declared by the Local Government Board to be satisfactory; any other elementary school not kept for purposes of profit and subject to Government inspection; and any other school pronounced satisfactory by the Factory Inspector in the discharge of his office.

A child of 13, certified to have reached a certain standard of proficiency, might cease to be a "half-timer" and be employed as a "young person," *i.e.* a person from 14 to 18.

The provisions of the Factory and Workshop Acts are enforceable both against the parent and against the employer. The employer has to obtain a weekly certificate from the teacher of the child's attendance at school, and if a child fails in one

week to make the full number of attendances he cannot be employed the following week till he has made up the deficiency. An employer who employs a child without obtaining this certificate, or who employs a child in any way contrary to this Act, is subject to a fine not exceeding £3, or if the employment is at night, not exceeding £5. A parent who allows his child to be employed contrary to the Act, or who neglects to cause a child to attend school in accordance with the Act is liable to a fine of 20s. (See Report of Committee on School Attendance and Child Labour, Education Department, 1893.)

5. *Methods of Administration.*

Factory legislation being a new field of State activity, some means of administering the law had to be devised. The Justices of the Peace were directed by the Act of 1802 to appoint two of their number—of whom one should be a clergyman—to visit the factories and see that the law was obeyed. The justices had done excellent work in initiating investigation and paving the way for industrial legislation, but as inspectors they were a failure. It has always been found in practice that the work of factory inspection is too difficult for the amateur and too delicate for

the local magnate; it requires expert knowledge and is altogether best done by a special official employed and paid by the central government, free from local bias and partiality, and with no other than a professional interest in his duties. Owing to the lack of this professional element and to the not unnatural dislike of the clergy and magistrates to make themselves obnoxious to wealthy manufacturing neighbours, the Act of 1802 was more or less a dead letter, and an overseer of a mill called as a witness before Peel's Committee in 1815 said he had never even heard of it. From 1819 onwards, the plan was to offer rewards for the information of offences under the law. This was equally a failure, as no one but the operatives themselves could know what went on in a factory, and they naturally refrained from giving information that would most likely anger the master and mean the loss of their employment. Sad to say, also, many of these people depended largely on their children's earnings, others had children in their employment as piecers or helpers; both these classes were thus biassed more or less against the strict administration of the law, and would find means to revenge themselves on any comrade who gave information against their supposed interests. As the existing framework and conditions of industry came more within the

ken of those in high places, it became evident that there must be some organised system of inspection, if the law was to have any effect in checking abuses. In 1833 the Whig Government brought in a Factory Bill which provided for a staff of four inspectors, appointed and paid by the Central Government. These inspectors were granted full powers to enter any textile mill or factory at any time of the day or night when it was working, and make inquiries as to the conditions under which the children and young persons were employed, how the former were being educated and so on. The inspectors had the powers of magistrates to deal with offences under the Act. They might obtain through the Secretary of State the appointment of subordinate officers—called then superintendents, but afterwards sub-inspectors — to assist them in their labours. With a view to securing a uniform policy they were required to meet and confer together at least twice a year, and to forward reports to the Secretary of State of what they had done.

Great were the difficulties encountered in those early days. Mr Howell in 1835 described how in the smaller mills employing only a few persons, sometimes the master could not read or write, or in Wales perhaps could not even speak English,

and the absence of any clock or time-piece in or near the premises might make it impossible to insist on the register of hours or time-book required by the Act. Yet by common consent it was precisely these smaller mills in which the worst conditions and longest hours prevailed and regulation was most needed.

With another class of manufacturer the inspector had to encounter a less extreme ignorance, but a more determined opposition. As mentioned above, the terms in which the law was couched, made it difficult to bring home an instance of working over hours. On the other hand, the factory population was exceedingly embittered by the failure of the Ten Hours movement, and also by the—to them—very inconvenient special restriction on children's labour, and the Government was nervous about exciting the ill-will of the manufacturing interest and influenced the inspectors not to enforce the law too rigidly. Under these adverse circumstances the inspectors held it advisable to assume a conciliatory rather than an authoritative attitude. They went cautiously to work, sought to represent the law in a more favourable aspect and to show the employers that shorter hours would be no such terrible drawback as they supposed. It is pleasant to know that the difficulties were overcome by degrees, and the

inspectors came to be recognised as friends by both parties, and sometimes succeeded in making peace in case of labour disputes, in which they carefully avoided taking sides. At the same time being constantly in touch with the operatives, and in communication with the Government, they had ample opportunity to explain the real grievances of the people and suggest improvements in legislation.

In 1844 they were deprived of the judicial powers they had previously exercised, and the power to make rules and regulations on their own responsibility was carried over to the Secretary of State. Their authority, however, was enlarged in other ways by the Act which tended to specialise rather than restrict their functions and gave them increased dignity by the establishment of a central office in London. An important requirement was that of Sec. VII., according to which all persons on beginning to occupy a factory were to give notice to the inspectors within one month of the name of the factory, postal address, nature of the work done, nature and amount of moving power, etc. In 1891 occupiers of workshops also were required to give notice of occupation.

Concurrently with the progressive inclusion of industries sketched above, it is evident that the field of the inspectors' activity was greatly en-

larged. By 1867, their numbers were increased to 43, including sub-inspectors. Successful as the inspectors' work on the whole was, it had one defect, a lack of uniformity of policy. The inspectors enjoying equal powers, if they differed among themselves, the law would be unequally administered in different circuits. The remedy devised by the Government was, not to fill up the places vacated by inspectors who died or resigned. In 1862 Mr Redgrave and Mr Baker divided the United Kingdom between them. The differences of opinion between the two were highly embarrassing to the Government, which was already inclined towards centralisation. The Commission of 1875 reported strongly in the same sense; Mr Baker, after his many years' valuable service, retired, and in 1878 Mr Redgrave was made Chief Inspector. The Home Secretary is now the virtual head of the Department and is responsible for the extension or restriction of conditions as to exemptions, special rules, etc. Appeal can be made to him against the decision of any officer of the Factory Department. The Chief Inspector prepares all business, but the Home Secretary has the final decision. The Home Secretary appoints the Chief Inspector, as well as the inspectors and junior inspectors. An important addition was made to the Department

in 1893 by the appointment of women as inspectors. This reform, it may be noticed, was urged by Mrs Paterson of the Women's Provident and Protective League (mentioned above) for at least fifteen years before it was accomplished. The *Women's Union Journal*, the organ of the League (1876, etc.), brought forward evidence as to the great need of women for this work. As factory industries employ so many women and are often carried on under conditions of hardship about which woman shrink from complaining to men, the desirability of women as Inspectors goes without saying, and other good reasons could be adduced, did space permit. It is most to the purpose that the appointment has been amply justified by results; the Lady Inspectors have been mentioned in terms of high commendation by successive Home Secretaries, and their number has been increased, though by no means to what would be adequate for the work.

In 1867 the task of inspecting workshops was for the sake of economy placed under the Local Authorities, as it was supposed the staff of Inspectors would be quite inadequate for the work without a considerable reinforcement. It soon became evident that the Workshops Act would remain a dead letter under this system. Scarcely half a dozen towns took the work seriously; most

regarded the Act as merely permissive. The Factory Inspectors drew the attention of the Department to this unsatisfactory state of things, and in 1871 workshop inspection was placed under the Factory Inspectors. The sanitation of workshops was, however, in 1891 placed under the local sanitary authority. This was owing to the fact that the Report of the Lords' Committee on the Sweating System had done something towards awakening the public conscience to the extremely bad conditions existing, especially in the smaller workshops. It was difficult to ensure their being properly inspected by the inspectors without a large increase of staff, and yet it was felt that the state of things was a danger to the health of the whole community. Accordingly the sanitary supervision of workshops was turned over to the Local Sanitary Authorities, who with their officers were given the same powers to enter and inspect workshops, and, if neecssary, take legal proceedings, as were enjoyed by the Inspectors themselves. In order to keep them up to performing their duties, the inspector has power to take the initiative; he can indicate the defects he desires to see remedied, while the Local Authorities are required to inform him within one month of the proceedings taken in response to his suggestion, and if they fail to do so, the inspector

may have the work done and recover expenses from the Local Authority. In order to facilitate inspection, the inspector, to whom notice of opening or occupying a workshop should be sent, is required to forward the notice to the Sanitary Authority of the district in which the workshop is situated. And as the occupiers of workshops are very unready to perform their duty in forwarding this notice, the Medical Officer of Health is required to assist the Factory Inspectors by sending them notice of any workshop in which he becomes aware of the employment of a child, young person or woman.

The inspection of domestic workshops rests chiefly with the sanitary authority, as they are exempt from most of the regulations of the Factory Acts. Since 1891 the employer is required to keep lists of outworkers ready for and open to inspection by the inspector, but the latter can do little except enforce the sanitary precautions and guard against work being done in any place where a patient is suffering from infectious fever. The effect of the existing system of inspecting workshops by the combined efforts of the Factory Department and the Local Authorities is that the result depends very much on the goodwill and efficiency of these last, so far at all events as sanitation is concerned; and even in regard to

matters which are under the control of the inspectors, it has to be noted that they are understaffed and often cannot know of the existence of workshops at all save through the co-operation of the local authorities. In large towns where some at least of the inhabitants have a sense of public spirit and civic duty, much good has been done; in others, and especially in small towns or in rural districts, it is to be feared that the law is much neglected.[1]

Imperfect and unequally administered as these recent provisions are, they constitute a direct assertion of the right of the State to interfere with any industry in the interest of the public health. And here we seem to get to the root of the matter. Factory legislation has had its romantic period, when the reformer went forth as to a crusade, when processions of factory children paraded the streets, and well-to-do elderly gentlemen could get excited in the House over the great question whether children of nine should work twelve hours or ten. On philanthropic grounds the manufacturer was denied the right to work children as long and as unhealthily as *he* liked. The question arises, however, whether on phil-

[1] See *e.g.* the Chief Inspector's Report for 1896, pp. 48-50. There is reason, however, to hope that progress in these matters is gradually being made.

anthropic grounds alone individuals of mature years can be denied the right to work as long and as unhealthily as *they* like. The Acts of 1891 and 1895 show signs of a recognition, if a tardy one, that the real grounds of interference with industry are considerations of public health and safety. The old idea of protecting certain classes of workers because they are not "free agents" is more and more felt to be irrelevant, if not meaningless. There are still those who ask in astonishment—May not a man, may not a woman, employ their capital or their labour as they choose? But the State says, with a less and less hesitating sound —Not under conditions wasteful of the life or destructive of the efficiency of those employed, or dangerous to the safety and well-being of the community. To this conclusion it has been driven by inquiry into the conditions of public health.[1]

[1] I should like here to acknowledge the kind help of Miss Amy Harrison, who contributed many references and suggestions to the foregoing paper.

III.

THE MORE OBVIOUS DEFECTS IN OUR FACTORY CODE.

An account of the defects of our Factory Code is a natural sequence to its history, for these "defects" are not the result of false steps on the part of the legislature, or of the introduction into the code of matter out of harmony with its general provisions, and antagonistic to its spirit: they are simply the consequence of unequal advance in the different departments over which the Factory and Workshop Acts extend.

To promulgate in the first instance a complete code of law would always have been an impossibility to our national habit of mind. We move slowly, remedying proved evils, instead of anticipating their occurrence, and slowly building up the necessary safeguards against existing abuses instead of preventing their growth. Where an evil has become very obvious, and clamours for redress, it has been easy for a Government, backed by public opinion and supported by the House of Commons,

to pass a particular remedial measure into law, and legislation therefore advanced along the line of least resistance. For this reason, the present limitations of our Factory Laws are of the most arbitrary character and inexplicable to the lay mind, though each carries its own explanation to the student, as being the outcome of an abuse brought to light. All this explains the fact that while in some directions our Code is fairly complete, in others it is very deficient, and that some departments of labour are well protected, while others are still unregulated.

(*a*) *The need for Consolidation.*

It would be easier to observe the present defects of the Factory and Workshop Code, if they were presented to us in one Act instead of in four, for the last consolidation of this legislation dates back to 1878. Since then three important pieces of legislation have been added to the Statute Book, and the Act of 1878 has been amended by those of 1883, 1891 and 1895. In order to find out exactly what is the law affecting outwork, or regulating overtime, for example, it is necessary to read these several Acts together and to collect from the various sections information as to all the points from which abuses have been attacked. So

numerous are the provisions, that each head by itself would afford matter for a treatise. Even long practice may leave much unmastered; indeed, points may escape the notice of inspectors themselves, who are constantly putting the provisions of the Act into force.

It is a pity, of course, that any code should be elaborate and confusing, but matters are made worse when industrial legislation is in question. Probably no laws are more often broken than those which regulate industry, and no code is so difficult to enforce. There are only 107 Inspectors under the Factories and Workshops Acts to inspect the hundred thousand workplaces, thronged with workers, throughout the country; and though a very large proportion of these workers are women and children, only seven of the inspectors are women. The Treasury is always quoted as being responsible for the extraordinarily inadequate supply of officials, and economy is given as the ground for what seems a short-sighted and cheese-paring policy. But even if the Treasury economies did not exist, and the supply of Factory Inspectors were adequate to the work required of them—even if all these officials were as magnificently efficient as are the best members of the staff now at work—administration would still be defective. Armies of Inspectors could not preserve the law from in-

fraction without the co-operation of the workers themselves, and, where employers were bent on evasion, even the permanent residence of an official at a factory could hardly prevent some breaches of the law, without the co-operation of the workers and their friends. Thus, in districts where trade organisation is strong, the work of the inspectors is simplified by the action of its skilled officials; while in many places, where the workers have insufficiently guarded their interests by combination, complaints are forwarded through the medium of girls' clubs and evening classes, and often through the agency of the church workers of various denominations, who are constantly in touch with the women workers. The forwarding of complaints, and the direction of the official's attention to the point at which his intervention is necessary, needs, however, knowledge of the law, and though this may be possessed by the trained Trade Union secretary, it will be very rudimentary in the mind of the unskilled woman-worker, and often not less so in the mind of the busy club manager or district visitor. The confusion of the Acts goes far to explain the character of the complaints often made, and the gentleman who paid a breathless visit to the office of the Women's Trade Union League, to urge us to report to the Factory Inspector that a youth of

20 was in attendance at the cloak-room of one of the music-halls as late as 11 P.M. was not without his excuse. Unnecessary difficulties are thus, by the complication of the law, thrown in the way of administration. The best promoters of effective administration, the workers and their friends, have neither the leisure to master a confused system of legislation, nor the legal habit of mind which would make such a system easy of comprehension, yet it is to these people that a particularly bewildering code is presented. Obviously the simplification of our Factory Code by consolidation is essential. The need for consolidation is now officially admitted. A Bill to consolidate the Factory and Workshops Acts has just been introduced by Mr Ritchie (April 1901), which it is to be hoped that the Government will seriously attempt to carry into law this session.

Consolidation, however, though it may make the law easier of interpretation and enforcement, will not remove its limitations; and I will deal now with these.

(*b*) *The exceptional treatment of certain classes of workers.*

The "line of least resistance," along which our legislation has advanced, has entailed, not only very

different degrees of protection for different processes, but also very different degrees of protection for the classes of labour engaged.

The preceding chapter showed that the regulations protecting factory life fall naturally into three divisions — those dealing with sanitation, those affecting safety, and those regulating the hours of employment. These three main divisions of legislative regulation apply unequally to four different classes of workers.

Of the four different classes of workers, the most complete protection has been extended to the children, the abuse of whose labour was the origin of the whole law. This protection is modified for "young persons" from 16 to 18 years of age. A protection a degree less complete, but still embracing all the conditions of work surrounds the labour of women over 18. The men over 18 share the protection of the provisions affecting Sanitation and Safety, but with one or two exceptions, their hours are as yet untouched.[1]

The uninitiated might think, that in the great

[1] The only exceptions to this rule are to be found in the Special Rules for places in which Bisulphide of Carbon is used in the vulcanising of India Rubber, where men's hours are limited to five hours daily; and in Lead-smelting Works, in which only a two hours spell is permitted in the flues. The hours of railway workers are also restricted by the Board of Trade under the Railways Regulation Act.

textile centres of the North, where, when the Ten Hours Day is over, men and women pass out together from the factory gates, there must be some legal regulation of the hours of all alike. But the limitation of men's hours in this case, remarkable as it is, is due simply to the fact that their work is dependent on that of the women or of the children, and their hours of work are thus practically limited by the legal limitation on those of their co-workers. In a textile mill when the period of employment for women and children is over, the machinery stops and work necessarily ceases for all classes.

In other industries, Trade Unionism has done its best to limit hours for adult men, and to effect by means of Collective Bargaining what is elsewhere done by the regulation of the State. Trade Union efforts are not, however, really satisfactory; comparatively successful where an organisation is powerful, they fail altogether when the Trade Union is not strong. Even when the organisation can enforce strict limitations, there is considerable question as to the merits of regulation by the Trade Union, as opposed to that by the State, for there is not the stability about an agreement, based on trade pressure, that there is in an enactment registered by the State. It is on such grounds that the principal miners' organisation—in spite of the fact

that their unions are already able to limit hours—seeks to fix by law the Normal Working Day already generally gained by combination. When there is no effective Trade Unionism and where the hours of the men are unaffected by those of women or children, the working day is often protracted long beyond the period during which healthy toil is possible. Any lecturer to audiences of working-men on women's overtime, or their overwork in the so-called "emergency" processes, is frequently confronted by some appalling instance of men's overwork and by the plea that their hours are fully as much in need of regulation as those of women. That the great majority of the male workers are anxious for a State limitation is without doubt; some resolution as to the legal enactment of a general Eight Hours Day is brought forward at all their Congresses. And it is towards an Eight Hours Day that all the Trade Unions are pressing. Experience is, however, against the likelihood of carrying so large an innovation as a general Eight Hours Day in any one Bill, and the line of least resistance points to an initial move in the case of some trade, in which the need is most emphasised. This may be, for example, one in which the safety of the general public is markedly involved, as depending on the alertness and attention of the workers; for alertness and attention are

incompatible with exhaustion. The hours of adult male railway employees have indeed already been made the subject of initial experiment in the Railways Regulation Act of 1893.

I pass from the hours of men to those of children —not, alas! because the hours of women need no amendment, for women's overtime and the illegalities which follow in its train are a constant source of complaint. But with regard to women the periods of employment vary, and the hours differ according to the class of place in which they are employed, so that an account of their hours belongs properly to a later part of this chapter, and must be treated in connection with the defects in protection extended to different classes of places, rather than to classes of workers.

The same holds good to a large extent of the employment of both young persons and children, but there is one almost universal regulation, which I will deal with here, which permits the employment of children as half-timers in factory or workshop at 12 years of age.[1] It is something to be able to write—12 years: in 1900, before Mr Robson's Bill came into force, 11 years was the legal age. In 1900, however, we tardily made good the pledges given at the Berlin Conference,

[1] For list of processes in which children's labour is prohibited, see the Act of 1878, Schedule 1.

and gave another year of education to the factory and workshop children, just as by Sir Charles Dilke's Act we raised by a year the age at which boys could begin to work in mines (from 12 to 13).

It is easy for anyone in touch with children of school age to picture what the intellectual equipment of the average 12 years old child will be, and it is more important to lay stress on this than on the physical equipment, in spite of experience of the weights that the little wage-earners are expected often to carry, and of the labour which seems as arduous—though of shorter duration—as that of adults. The outcry as to the incompetence of the servants and employees of this generation, with which the middle class man or woman often greets any mention of the workers' education, and the stories of the old-fashioned servants whose work was carried out with such exquisite precision, is, like most public outcries, based on a truth. There is incompetence in many directions, and it is probably true that often where service was formerly competent, it is no longer so. We have devised an excellent scheme of education, and we remove the children, whom it is intended to benefit, just at the point at which they are beginning to profit by it: we have planned a system in which specialis-

ing should follow on the development of all the faculties, and we have then cut it short before the general education is half complete. Nothing can be better than the principle on which our education is based, or less fortunate than the way in which it is at present carried out. The child of 12 or 13 years, however intelligent, active-minded, and eager on leaving school, is unable, in the face of the drudgery of daily work and the physical exhaustion which makes the evening school practically useless, to utilise its training, or retain its information; and returns, perhaps—as teachers will tell you—to revisit them after a lapse of a few years with blunted faculties and knowledge forgotten. Yet education is not only essential because the trained human being makes the best workman, but doubly needed because the mechanical character of the work which machinery has induced tends in itself to deaden and dull the intelligence. It is true that the half-time system permits only half the day to be spent in physical toil, and that until 14 years of age, the other half must be spent at school, but it is only necessary to question the teachers to know how little value belongs to the teaching which the half-timers can receive. The present half-time system renders the tired child incapable of assimilating education, and if we are to get value out of our system of education, the

raising of the age is essential. The steps by which this end is achieved must of course be gradual, but education will not really be effective till the minimum age for employment is fully 15 years of age.

(c) *Exempted Trades or Processes.*

Certain trades, and certain specified processes in other trades, find themselves exempt from the requirements of the Factory Acts.

I do not propose in this chapter to deal with those employments which fall clearly outside the comprehensive definitions of the words "factory" and "workshop" in the 1878 Act, but only with certain cases in which the exemption is illogical or arbitrary, and in which an improved reading of the definition seems essential.

It is not always realised that complete exemption from the Factory Acts means that every condition of labour is unguarded, and that therefore night work for women and girls may follow on the day, and that toil has no limit, save that set by the power of physical endurance. Meal times are unregulated; holidays are not necessarily existent; and the Factory Inspector has no supervision over the sanitary conditions, for he does not so much as enter the premises.

The definition common to factories and workshops alike — "premises where any articles are made, repaired, ornamented, finished, or adapted for sale by means of manual labour exercised for gain"—is held to exclude those places in which no alteration in the character of the article is produced.[1]

The number of exempted processes in industries otherwise protected seems, fortunately, to be decreasing. Bottling beer, for example, which was formerly excluded, is now included by the Home Office interpretation of the law. On the other hand, packing tea, where this process is carried on by itself in places which are not otherwise factories or workshops, is still held to be exempt.

Another instance is the process of folding paper, which is held not to alter the character of the paper and thus to be excluded from protection. Here complaints arise of cases in which women have been kept folding paper the whole night through. It is difficult to explain to the complainant that, though the woman who folds paper in a place which is a factory, or who combines elsewhere sewing with folding, may work only ten and a half hours a day with occasional overtime, she may legally, by an arbitrary interpretation of the law, be employed night and day in an ordinary

[1] Factory and Workshops Act, 1878, S. 93.

room on the process of folding only. Interpretations such as this give rise to nice points of law, and one of the inspectors has just taken a case against a firm of sweetstuff dealers who employed girls on Sunday in packing sweets in boxes and tying them with ribbons. The inspector's contention that such work constituted the place a workshop, just as much as trimming hats made a shop a workshop, was eventually accepted by the magistrate, and this decision was fortunately upheld on appeal.

The exceptions arising from such interpretations of the definition clause are not, alas, the only ones in which processes are exempted from the protection of the Acts. The two so-called "Emergency Processes" are the principal intentional omissions —that of gutting, salting and packing fish immediately on its arrival in the fishing boats, and that of cleaning and preparing fruit, so far as is necessary to prevent it spoiling, immediately on its arrival at the factory and workshop during the months of June, July, August and September.[1] In both instances the tightening up of general provisions was softened in 1878 by concessions with regard to single processes, and, in order to obtain increased protection in the majority of

[1] F. and W. Act, 1878, sec. 100 (fish curing); F. and W. Act, 1891, sec. 32 (fruit preserving).

instances, latitude was allowed in one. Thus the "process of gutting, salting and packing," which forms the treatment of the herring immediately on its landing, and the picking over and cleaning of the fruit, when the great crates are delivered from the market-gardens, were exempted from protection. The result points the moral, which observation of the practical working of the Factory Acts is always bringing home, that any exception to a law adds a hundredfold to the difficulty of detection of its infraction, and, even with the largest staff of inspectors that it is conceivable the Treasury will ever sanction, such exceptions must encourage illegalities. It is true that a hard and fast universal rule might, until the trade had adapted itself to its requirements, entail hardship on individual employers; but the alternative is far more serious, and involves far greater suffering. The exception, slight in itself, and intended to lighten the burden of legislation to the herring curer, has been extended by the employers to every sort and kind of process dealing with fish; and the concession to the fruit preservers for the immediate treatment of the fruit has led to the same result. The tinning of the fish and the preparation of the tins themselves in the factories; the filling, covering, tying down and stacking the jam-pots are treated as processes necessary for the

preservation of the herring fresh from the fishing boat, or of the fruit just delivered from the market garden. Under cover of this ingenious reading of the law, the regulations as to sanitation and safety, as well as those as to hours and meal times, are treated as inapplicable. Women and girls are working in the jam factories for fifteen, sixteen, even seventeen hours a day on processes which only the employer's imagination has exempted, in an intolerable atmosphere of moist heat. Children of 14 years stagger backwards and forwards under the heavily laden trays, for, with the suspension of the Acts, the labour of the full-timer is as unprotected as that of the adult. Like complaints of endless hours of toil, defective sanitation, accident and general neglect come from the workers in the factories where fish is preserved and tinned. It is small wonder that the conditions attendant on fruit preserving and fish curing have become a public scandal, and that even the trade journal admits that the abuse of the exemptions merits grave reprobation.[1]

A reconsideration of the position is essential in the interest of the uniform protection of the workers. The distinction between such processes as bottling beer on the one hand, and folding paper or packing tea on the other, can be

[1] See *Confectionery*, May 12, 1899, p. 444.

framed only to provide cheap labour for employers, and has no logical basis. In the fruit preserving industry there are employers who never make use of an exemption which the improvement in machinery has helped to make unnecessary. In the fish trade, while some employers are working constantly for seventeen hours a day, others are only very occasionally extending the normal working day. The extension of the normal protection for sanitation and safety to all processes and trades, even if in certain exceptional instances the limitation of hours has to be gradual, is a step which would meet with the support of the best employers. This is now admitted by the Home Office. Though the advance so far as limitation of hours is concerned is very unsatisfactory, the proposals for sanitation and safety in the Government Bill of 1901 show that the need for protection in all these exempted processes has to some extent been realised.

(*d*) *Home Work.*

Turning from completely exempted departments of labour to those which are only partially protected, the largest area thus insufficiently regulated is probably that of the home-worker. The obligation of the employer towards the worker employed

by him in factory or workshop extends only in the most limited degree to the worker who does the same work in his or her own home. It was to grapple with the abuse of a new industrial system that the Factory and Workshop Code came into being, and it was directed at the evils consequent on the massing of workers in great hives of industry. Work in the home was not part of the new order of things. The home-worker, therefore, at first escaped all protection. We are gradually awaking to the fact that, whatever may have been the case when factory and workshop legislation was initiated, there are now sufficient grounds for the extension of the law to all places where manufacturing work is done. The immunity of home-workers from protection, and the increasing protection extended to the worker in the workshop or factory, puts a premium on work done elsewhere, and thus encourages the diversion of work into the hands of the outworkers. Every fresh restriction on employment in the workshop, or new regulation as to the conditions under which the work is there done, tends to induce the employer to send the work where there are virtually no restrictions which affect him. It is not that the home when used as a place for manufacturing work is entirely exempt from law. But the regulation of the conditions under which the work is done there devolves, not on the em-

ployer, but on the home-worker, and, as the greater proportion of home work comes from the less skilled trades and a large proportion of the workers in such cases are women, it devolves on the class which is least well fitted for the protection of its conditions. As home-workers they lack the corporate feeling induced in the factory workers, which makes the latter capable of organisation, and they belong, too, in most cases, to the sex which finds it most difficult to combine. Their wages are quite unprotected, and they are often working day and night to earn sufficient to raise them just beyond starvation point. Every now and then an article in a magazine, or a police court story, draws momentary attention to the life of the home-worker, and the public get an insight into these homes which work has transformed into sweating dens, and realises what the conditions of work are, when they are left to the voluntary regulation of the lowest classes of workers. Such, for instance, were the stories of the match box makers working late into the night; the children kept from school and pressed into the service; floor, chairs, table and the bed, where the family took their scanty rest, all alike used as receptacles for the piles of half-finished boxes; and the combined earnings of the family amounting, perhaps, to 9s. a week. Or picture the home of the fur-

puller, of whom we have heard so much, bending over her work, the whole atmosphere full of the fur dust, so that on opening the door one sees dimly through a thick mist the coughing figure by the fire. These are some types of home-workers; if more are needed, let us add that of the woman who was prosecuted not long ago in the police court by her employer for pawning work he had given out. She and her daughters, working night and day, had 7s. a week clear to live on, and having nothing left to pawn, except the pile of suits she was making for 5¼d. each, pawned these for bread, and was unable to redeem them. There is an unpleasant irony in the situation. The legal responsibility of the employer for the conditions under which his work is done, which is the root principle on which all our protective legislation is based, stops short of the very cases in which it is most needed.

There is another serious consequence of the immunity from protection of the home-worker, in the encouragement of illegality; a consequence which, as I have pointed out in the case of Emergency Processes, follows always on exemption or exception. Employment by the same employer outside the factory or workshop, on a day in which full time has already been worked within it, is

illegal, and the practice of giving out work to be finished at home was expressly forbidden by the Act of 1895.[1] Read, however, the annual report of the Chief Inspector of Factories, or look at the "complaints" sent in to the office of any working women's society, and it will be found that the enactment is most "honoured in the breach." Miss Anderson, H.M. Principal Lady Inspector of Factories, writing of her experience in the Midlands, relates how she met the girls from the clothing factories, carrying home bundles of work to be finished, and how the girls, in their terror of detection, gave false names and addresses in reply to her questions. In other cases the work was sent to the homes, after the workers had left the factory, in order to evade inspection. Several cases have recently been brought to our notice in the East of London, in which work is systematically sent home with the employees, and the principal of a Working Girls' Home, who was disturbed to find its members working late and early on work brought home from the factory during some season pressure, was urged by them not to interfere, since interference would mean their dismissal. The temptation of having, side by side with the protected workplace, another so little liable to inspection, is too much for the less scrupulous employers.

[1] F. & W. Act, 1895, S. 16.

The abuse of children's labour is a constant feature of home work. With regard to children young enough to be required to attend school, there is, after school hours, nothing to prevent their employment in the unregulated home all night. Out of school hours their labour is, in the home, absolutely unregulated by law. When, however, children over school age are employed in the home, whether as half-timers or full-timers, their labour is recognised by the law and protection is nominally extended to it, even though they are employed in their own homes.[1] Matters become thus complicated. The young person's hours, too, are limited by law, and stated meal times must be observed, even in the home. But this pretence at legal protection is wholly illusory. The enforcement of these provisions in an otherwise unregulated place is attended by almost overwhelming difficulties. In factories and workshops definite regulations as to meal hours, and the universality of their application to all the workers present, renders the detection of any breach of the law an easy matter. The inspector who, on entering, sees a worker employed during the prohibited time, recognises at once an offence against the Act. The inspector who enters a "domestic workshop," a home where children and young

[1] F. & W. Act, 1878, S. 16.

people are employed, has, in the absence of any stated hours of work or meal times, no guide but the word of the inhabitants as to whether the law is being obeyed. A surprise visit can show that these protected persons did not work before 6 A.M. or after 9 P.M., and that the outside limit of their working day was fifteen hours, but that is all. Picture the difficulties of discovering, in a visit to a home, whether a half-timer had really worked only for half the day, or whether the half-timer or full-timer under eighteen had been allowed the four and a half hours intervals for meals, which reduces the appalling total of fifteen hours to the legal ten and a half. The fact of there being no limitation of the hours or conditions of the other workers, and no fixed meal times, even for the children, so hampers the work of inspection that it is impossible to carry it out. There will be no effectual safeguard against the abuse of children's employment till the logical extension of the Code shall provide that the home which is turned into a workplace shall not escape regulation through the mere fact that the manufacturing employment there carried on is confined to members of the family. Wherever work is carried on for gain, there must also be regulation of the conditions under which it is done. Section 5 of the Factory and Workshops Act 1895, the clause which contains the germ of legislation to be de-

veloped on these lines, penalises the employer who gives out work to unfit places, and thereby makes him responsible for the conditions under which his work is done. But this section is inoperative, owing to a blunder in the drafting, to which attention was called in Parliament at the time, which has for six years remained unremedied. Thus an advance apparently made six years ago has so far been lost. Since public opinion (except, perhaps, in Ireland) was ready for the step at that date, it is obvious that something more than improved drafting is possible in the next Bill, and that we are prepared for a more radical advance. This being so, it is melancholy to note that the new Government proposals are on this point positively retrograde. These proposals aim at putting additional powers into the hands of the local authority at the expense of the Home Office. It is proposed that this momentous Section 5 of the 1895 Act should be abolished, so far as the Factory Department is concerned, and that the power to put it in force should be vested in the hands of the District Council. The policy pursued here and in several other instances of transferring powers from the Home Office to the local authority is thoroughly bad. Large powers should doubtless be given to the local authority, but they should be given, as in the case of workshop sanitation, not in substitution

for, but in addition to supervisory power by the Factory Inspectors, who should always be able to take action should the local authority fail in its duty.

The proposals for dealing with home work are various. Idealists propose that at one swoop the home should be placed in the same position as the factory, and that the completest protection extended to any class of workplace should immediately be extended to the home. But suddenly to place the least regulated places in the same position as the best, and to protect the home in which work is carried on more completely than the ordinary workshop, would be foreign to our political habits, and would, moreover, entail an immediate increase of the factory inspecting staff, which the House of Commons would hardly tolerate. More gradual steps must be proposed. A first step has been suggested by the clause in a Bill introduced by Mr H. J. Tennant. The sanitary conditions of both home and workshop are at present in the hands of the Sanitary Inspector, but in the workshop the Factory Inspector has a certain power of supervision: he notifies defects to the local authority, and in case of continued neglect by that authority, himself takes action. Mr Tennant's Bill proposes, as the first step in the regulation of the home, to give to

the Factory Inspector a similar power of sanitary supervision, and so level up the least regulated places (the manufacturing homes) to those which rank next lowest in the scale of protective legislation (the ordinary workshops).

The proposals of the Government Bill of 1901 as to sanitation are retrograde, and even out of keeping with other clauses in the same Bill. Their tendency is to increase the power of the local authority at the expense of that of the Factory Inspector. Such a proposal as that, for example, of depriving the Home Office of the lists of outworkers, is accompanied by the new requirement that the lists should be sent regularly to the local authority. Apparently the Factory Inspector must constantly visit the offices of the local authority if he wishes for a list of names. The Home Office seems to have forgotten that it is already the duty of the Inspectors of Factories to visit outworkers for many things, such as the inspection of domestic workshops and the enforcement of truck provisions. These duties are indeed increased by the new Bill, which proposes very rightly to extend the "Particulars Clause" to outworkers. And yet at the same time it proposes to hamper the inspector's powers by depriving him or her of the lists of addresses which enable these inspections to be made. These pro-

posals are anomalous and objectionable. The logical development of the law in this direction is the extension of the supervisory jurisdiction of the Factory Inspector where the Home Office and the Local Authority have concurrent powers.

(*e*) *Workshops.*

I have already used the term domestic workshop for the home where the employment of children over school age or young persons in manufacturing work nominally entails a certain amount of protection for their labour. Here the labour conditions of women over 18 are unprotected, and in particular, no limitation affects their hours. The domestic workshop therefore ranks properly lowest in the scale of protected places with the virtually unprotected home. The ordinary workshop covers, perhaps, the next widest industrial area, and the protection in the different classes of workshops differs considerably.

We may first consider "men's workshops," where no children, young persons or women are employed, to which, therefore, no regulation as to hours applies.[1] Not only are these places exempt from protection as to hours, but, except

[1] F. & W. Act 1878, S. 93.

for a few incidental provisions, they are not dealt with at all under the Factory Acts. In order to lighten the burden of the Home Office, the inspection of workshops as regards sanitary matters was given to the local authority.[1] A certain supervisory power remains with the Factory Inspector, but the Sanitary Inspector is the person on whom the duty primarily devolves. There is accordingly little in the Factory Code touching workshops employing only men over 18 years of age. In practice such workshops are left entirely uninspected, even though a few youths under 18 may be employed. The result is that workshops employing neither women nor girls, nor yet children under 14, are for the most part practically outside the protection of the Factory Acts.

A second class of ordinary workshops are those where women over 18 are employed, but neither young persons nor children. Here there is a definite limitation of hours for the women, but the twelve hours daily spell may be taken any time between 6 A.M. and 10 P.M.[2]

Lastly there are the workshops where children and young persons are employed as well as adults, and in which the hours are more precisely defined.[3]

[1] F. & W. Act 1891, S. 3.
[2] F. & W. Act 1891, S. 13.
[3] F. & W. Act 1878, ss. 13, 15.

This last class of workshop is far the most effectually guarded. Indeed, though the workshops which are lowest in the scale are remarkable for an almost total absence of limitations, the regulations affecting those highest in the scale are identical, as far as hours are concerned, with those of non-textile factories. In the case of the workshop where young persons or children are employed, equally with that of the non-textile factory, the daily hours of work are limited to ten and a half, the one and a half hours allowed for meals are so ordered that too long a period cannot elapse without a break for food, and the normal working day must cease at latest at 8 P.M. Under certain circumstances and in certain trades work may be continued by the women workers during two hours on thirty, or in one or two cases on sixty, days in the year, this overtime ceasing always at or before ten at night. There is, however, one strongly marked difference between the non-textile factory and the workshop, even though the provisions as to hours be the same. While the sanitary conditions in workshops are dealt with almost entirely under the Public Health Acts, by the local Sanitary Inspector, it is the Factory Acts which regulate sanitation for the factory and the enforcement of the law is virtually in the hands of the Home Office and the Factory Inspector.

All these distinctions, arbitrary and bewildering as they seem, have arisen, like every other distinction, from the tendency to attack where resistance was weakest. The hours of men are, as has been said, as yet practically unregulated, hence their "workshop" has escaped the regulations which protect the workshop where adult women's labour is employed, and still more completely that in which the labour of the children has ensured the heartiest public support for the enactments which guard it. But this explanation of the differences makes them none the less "defects" in the law. No one who studies the actual working of the Factory Code can doubt that it will be perfected just in the measure in which all these differences are abolished and an equal adequacy of protection extended to all the places and all the persons who work. The ideal is that the regulations of all places in which manufacturing work for gain is carried on should approximate as closely as possible to those which obtain in the most completely guarded places, namely the textile factories. I am not stating that even here the conditions are perfect. This cannot be so long as the limitation of the men's hours is due only to the cessation of the women's work, and is the result of the exigencies of their joint labour, not of a legal enactment; nor can it be perfect while half-timers

continue to be employed; nor will the daily limit of ten hours be considered ideal by the advocate of an eight hours working day. But in spite of these drawbacks the fact remains that the hours both for men and women are, in the textile factories, shorter than in any other class of workplace; that they are so fixed that the law can really be enforced; that the carrying out of the law is wholly in the hands of the Factory Inspector; that meal times and holidays are longer, and genuinely protected; and, above all, that the textile factory is cursed by no such overtime exception as elsewhere undermines the value of the hours limitation.

(*f*) *Overtime.*

The overtime exception is doomed. Unless some unforeseen change in our industrial conditions revolutionises the present order of things, the total abolition of overtime for women must follow on that for young persons, which was virtually accomplished by Mr Asquith in 1895.[1] Those who recall the debate in the Grand Committee on the Factory and Workshop Bill of that year will remember how hard a fight was made to include the abolition of women's overtime with that of

[1] For cases in which Overtime for Young Persons is still allowed, see Factory and Workshop Act 1878, S. 54, S. 55, S. 57.

young persons, by the little knot of Radical and Labour M.P.'s (nicknamed the "mountain"), who struggled to strengthen the Bill. The case for abolition was as clearly proved, as the complete consensus of opinion on the subject of those who work under the exception and those who have to enforce it could prove anything. The opinions of H.M. Inspectors of Factories and the opinions of the organised women workers were all but unanimous against allowing any overtime.[1] These opinions, the expression of which dates back to the Royal Commission of 1875, are based on arguments which carry with them conviction on many grounds. The fact that exceptions lead always to illegalities —that a permission to work till ten at night leads constantly to work till one or two in the morning —appears frequently; and this argument, pointed by reflections on the anæmic and exhausted condition of the worker working seventeen hours a day in a season trade, appeals to the humanitarian. The stress laid on the deteriorated character of the work done by the worn-out worker must affect the business man. Over and over again the view is stated that with better organisation of the business the need for overtime dis-

[1] "*Overtime*," *Opinions of H.M. Inspectors of Factories* (to be obtained from Women's Trade Union League, Club Union Buildings, Clerkenwell Road, E.C.).

appears. Cases are quoted to prove that many large dressmaking and millinery firms never avail themselves of this exception, and the great object lesson of the textile trade is given. In all textile factories, and in a great many non-textile factories, to which no exception has been granted, organisation and management quite easily cope with the recurring season pressure, and the trade automatically adapts itself to the law's requirements. In other non-textile factories and workshops, to which the overtime exception has been extended, demands no more urgent are met by the deliberate overtaxing of the workers' health and strength.

"I consider," says one Inspector, "the present state of the law with regard to overtime is nothing short of a public scandal." When this can be publicly stated by officials, redress becomes a question of very practical politics. The last Factory Act practically prohibited overtime work by young persons under 18. The next should contain a clause forbidding all overtime work by women. Unfortunately no proposal for dealing with this obvious defect appears in the Government Bill of 1901.

(*g*) *Laundries.*

I have left to the last one class of workplace, the law for which is in a curiously anomalous state.

The ordinary laundry has been held to be outside the protection of the comprehensive Factory and Workshops Act of 1878. Washing the customer's own clothes has been held to be not "in or incidental" to the "altering" of any article, though the closely analogous industry of dyeing the customer's own clothes was held to be within the scope of the law. Hence the ordinary laundry was neither a factory nor a workshop. In those cases in which a laundry was used to wash articles *for sale* (as, for instance, in connection with a shirt, collar or under-linen manufactory), it came under the law as a non-textile factory, if power was used, or as a workshop, if no power was used. Yet, by a singular interpretation, the cleansing of clothes in an ordinary laundry has been held to be outside the protection of the Factory Acts. Women and children might therefore be employed for unlimited hours, at any time of the day or night. Sundays as well as week-days, under the most dangerous or insanitary conditions.

For a dozen years or so, the laundry women, though suffering cruel hardships, were unable to do anything to get their grievances redressed. When the Factory and Workshop Bill of 1891 was introduced by Mr Matthews for the Conservative Government, it contained no clause dealing with laundries, but the London washerwomen them-

selves personally proved their case to the House of Commons. The difficulties in the way of Trade Union organisation by women are notorious, yet inspired by the desire of obtaining protection for the conditions under which they worked, the washerwomen in the London district formed themselves into an organisation nearly 3000 strong. The entire women membership of London Trade Unions amounts now to little more than a third of this number. So strong was the bond formed between these comparatively unskilled women-workers, that for some years, for trade spirit and common action, they resembled a branch of one of the great textile organisations of the north. Their delegates attended the Trade Union Congress and secured the co-operation of the men Trade Unionists. The Union roused public attention by its great women's trade demonstration in Hyde Park, the only one ever held by women Trade Unionists; they sent literature broadcast reciting their grievances; and finally while Mr Matthew's Bill was before Parliament, their delegates assiduously lobbyed members of both Houses. All went well, and a majority had been secured to support an amendment extending to laundry women the protection of the law, when a scare was raised among the Irish members of Parliament as to the inspection of convent laundries. Their secession from the laundry women's

supporters killed the amendment. The organisation did not long survive the annihilation of its hopes. Its dissolution was accelerated by Miss May Abraham's resignation of the treasurership, on her appointment as Labour Commissioner, and by the fact that Mr Clem Edwards, the other promoter of the Union, had to turn his attention from its affairs to those of other organisations.

But the work was done. The workers had used the strongest argument for reform in their combined demand for it, and the protection of the hitherto unprotected laundry workers found its place in Mr Asquith's Bill of 1895. It was proposed that steam laundries should be included as non-textile factories and all others as workshops. The Irish opposition was pacified by the exemption of "institution laundries." Unluckily the laundry clauses, placed in the latter part of the Bill, were reached at a moment of transition, after the Liberal Government had been defeated, and when the new Conservative Ministry were taking over the reins of power. The Factory Bill could then be passed only by a sort of truce between the two parties. The reactionaries in the Grand Committee rejected Mr Asquith's proposals and insisted on inserting a new and hastily drafted clause. The result is an anomalous collection of regulations which permit hours considerably longer

than those of the ordinary factory or workshop; and, what is worse, hours which need be worked not at any fixed periods, but during any part of the day or night at which the proprietor pleases.[1] "The proprietor of this laundry appropriates to herself the power to manufacture hours and meal-times at her pleasure," was the notice that confronted a visitor at a laundry the other day, and this remarkable interpretation of the law is a fair commentary on its confusions.

Another grave defect in the laundry clause is the total exemption from all regulation of the small places which employ only two outside workers.[2] There is no other class of workplace in which differences of protection are based on the numbers employed. It is amazing that the Home Secretary in the Bill of 1901 which, if not very strong is on the whole meritorious, should not have seen his way to have redressed the laundry grievances, which are of such very old standing. The power to grant by order fancy hours to laundries, the non-inclusion of the smallest laundries, and the droll proposals as to "Visitors" to convent laundries, are thoroughly unsatisfactory and suggest sweeping amendment in committee, when the Bill reaches that stage.

[1] F. & W. Act 1895, S. 22, SS. 1.
[2] F. & W. Act 1895, S. 22, SS. 3 c.

(*h*) *Special Rules for Dangerous Trades.*

The recent agitations on the subject of lead-poisoning in the potteries and phosphorus poisoning in match factories have called public attention to the diseases of occupations, while official corroboration of the sufferings which attend on work in certain industries has been furnished by the Reports of the Departmental Committee on Dangerous Trades. The public has learnt that, in addition to the ordinary risks to life and limb which attend on manual labour, there are in certain trades the added danger presented by liability to some special disease. The ordinary risks of occupation are dealt with by the ordinary clauses of the Factory Acts, but the dangers from the special diseases of particular occupations are dealt with by a system of "Special Rules" for each trade. The system followed in framing these rules is totally different from that of ordinary law-making, in which detailed Bills are submitted to the Houses of Parliament, and, after being there discussed and amended, become law. Special rules, though framed like other laws on the advice of the experts of the Department which will administer them, are submitted, not to the Houses of Parliament, but to the employers who will have to work under them.

The situation is a curious one, for the Rules are framed in order to enforce precautions for the protection of the workers, which have previously been ignored, and there is little likelihood of their voluntary acceptance as laws by those who have not previously adopted such precautions from motives of humanity. There will generally be found in every trade some employers who are voluntarily taking every possible step to protect their workers. The object of the State should be to pull up to their level those whose sense of responsibility is of a lower standard. The protests against the proposed Rules on their submission to the employers come of course from the worst employers, and in face of any one protest the Rules cannot be enforced. The Home Secretary has then the choice of whittling down his Rules to the standard which the worst employers in the trade will accept, or of submitting them to a Court of Arbitration in which the Home Office and the employers are represented each by their own Arbitrator, with an impartial umpire. By Mr Asquith's Act of 1895, the work-people have the right of being represented. Prior to this, although their interests were those most affected, they could not be heard. The objections to the present system are very serious, for in the few instances in which arbitration has been resorted to, the

results have been disastrous to the stringency of the Rules. The policy of the Home Office naturally tends towards avoiding a long and cumbersome process resulting in the eventual weakening of the Rules, and so only the mildest proposals are placed before the manufacturers in the first instance, which it is hoped that even the worst employers will accept.[1] The speeches by the late Home Secretary and his predecessor amount, in fact, to an indictment against the Special Rules procedure, proving that the time is ripe for reform. Both the Government Bill of 1900 and that of 1901 deal with the point. There is only one satisfactory solution of the difficulty and that is, of course, the elimination of any requirement of the "consent" of the employers, which has never been asked for in any previous case of factory regulation. The reform proposals of 1900 consisted only in the substitution of a referee for an Arbitration Court, and were thus worthless, as leaving the main difficulty untouched. The proposals of 1901, in which neither Arbitration Court nor referee appear, are far better. Mr Ritchie's proposals are, indeed, not ideal, for he proposes to grant to protesting employers a formal "inquiry," and to appoint a

[1] See the Speech of Sir M. W. Ridley on Potteries Rules, House of Commons, July 29, 1898.

person to conduct it, before putting the Rules into force, though the "inquiry" is not necessarily to result in any modification of the Rules. This inquiry proposal is objectionable. If the Home Office has done its duty in the first instance, all proper investigations will have been made before the Rules are published, and their reconsideration is unnecessary, and a temptation to backsliding. The proper proposal is that the Rules should be framed after due investigation, on the responsibility of the Home Office, and should come into force after being laid for forty days on the table of the House of Commons, during which time the employers can, through their representatives in the House, protest against any injustice.

I have now dealt with the more obvious defects of our factory code. Neither scope nor space allows me to dwell on the minor defects, suggested by the amendments moved by progressive members when any new Factory Bill is before the House of Commons. Their name is legion.

The main defects with which I have dealt all point the same moral, that in uniformity lies the only safeguard against the imperfections of the law. The varying regulations by which different workplaces are governed; the total or partial exemption of particular processes; and the arbitrary degrees of protection extended to different classes

of workers; create a confusion which is the despair alike of those who try to enforce and those who try to obey the law.

The amendments required in the next Factory Act (which should certainly also codify the whole law) may be briefly summed up as follows:—

1. The inclusion, within the full protection of the Factory and Workshop Acts, of all trades and processes of trades at present arbitrarily omitted.
2. The enactment of simple and uniform regulations as to maximum daily hours, and the period within which these are to be taken, for all the workplaces and all the workers of each clearly defined class.
3. With regard to children, the total prohibition of all employment for gain below a fixed age (which ought to be raised from 12 to at least 14).
4. With regard to young persons (between the minimum age for entering employment and 18), the abolition of all exceptions (such as boys' night-work, etc.).
5. With regard to women over 18, the enactment, for each class of workplaces (including the "domestic workshop"), of fixed hours, before which and after which it shall be

illegal for manufacturing work to be carried on.

6. In non-textile factories and in workshops, the assimilation of the law (with regard to registration, sanitation, accidents, inspection, overtime, holidays, meal times, and the maximum daily hours) to that of textile factories.
7. The inclusion of all laundries as factories (if power is used) or workshops (if no power is used), without any exceptional provisions.
8. In the case of work given out to be done elsewhere than on the employer's premises, the employer ("giver out") to be legally responsible for the observance of the Factory Acts in the place where his work is done, exactly as if he were the occupier of such place.
9. Complete registration of all places in which work falling within the protection of the Factory Acts is carried on; such registration to be by divisions coincident with those of the local sanitary authorities, so as to allow of mutual interchange of lists by the Factory Inspectors and local medical officers of health.
10. The enactment of Special Rules for dangerous trades, on the responsibility of the Secretary

of State, without subsequent arbitration or public inquiry, but subject to their laying forty days before Parliament before coming into force.

These are the logical steps which lie before the Government in preparing a new Factory and Workshop Bill. That there were no proposals on these lines in the Bill of 1900 was its destruction. The proposals of that Bill were foreign to the spirit of our legislation, and their curious substitution of a system of "Orders" for legislative enactments suggested a system of administration which may work on the Continent or in India, but which was out of harmony with all English precedent. Public feeling and the strong representations of the operatives made it necessary to withdraw that Bill, and we may, it is to be hoped, treat the incident as closed. But public understanding of industrial measures is still a necessary safeguard. Even into such a measure as the Government Bill of 1901 there creep anomalous and retrograde proposals. The "Orders" System appears both in the laundry proposals and even more mischievously in the Accidents Clause. The development of the powers of the Local Authority at the expense of Home Office supervision is another case in point. General comprehension of the lines along which advance should be made is the best

check on the individual idiosyncrasies of particular ministers or their advisers. As essential to progress as this critical spirit, is the public desire for systematic and logical progress in the protection of the standard of life of all the nation's workers. The strength of the measure which any Government can carry must depend on the degree in which the general public, the workers and their representatives in the House of Commons, appreciate the "defects" of the existing Acts and the support which they bring to the Government in carrying progressive proposals into law.

[Since the first edition of this book was printed off (July 1901), the Factory and Workshop Act, 1901, has become law. Unfortunately, this Act embodies hardly any of the suggestions put forward in the preceding chapter. The Factory Acts have, it is true, now been consolidated into a single statute, but without any simplification of the law. Practically nothing has been accomplished for its amendment. The so-called "emergency processes" (p. 137) are still the subject of special exemptions, though these are now limited in their scope. No effective provision is made for regulating home-work. Practically no advance has been made in the campaign against overtime. The law as to laundries has been left absolutely unchanged. The dangerous tendency to transfer the administration from the Home Office to the local authorities still continues. On the other hand, it is a gain to have got rid of arbitration with regard to the special rules for dangerous trades (pp. 161-3), though time has yet to prove whether the new clause will be effective.

With regard to home-work, it may be noted, as an alternative to the reform suggested at p. 148, that another Bill on the subject has been drafted by the Women's Industrial Council and the Scottish Council for Women's Trades. This Bill, which will be re-introduced in the session of 1902 by Colonel Denny, M.P., provides that industries may not be carried on in any dwelling-house unless the home has been licensed by a factory inspector as being suitable for such work. No employer or "giver-out of work" may give out work to be done in unlicensed premises, the license being shown to him by the home-worker.—EDITOR.]

IV.

COLONIAL DEVELOPMENTS IN FACTORY LEGISLATION.

Factory laws of one sort or another have been enacted in many parts of the British Empire. In Canada, the Cape Colony, and most of the States of the new Commonwealth of Australia these follow generally the lines laid down by the United Kingdom. But two of the Mother Country's daughters have gone far ahead of her. It is in Victoria and New Zealand that we find the most progressive factory legislation. Taken by itself the Victorian Factories and Shops Act, which came into force on May 1st, 1900, is the most advanced factory law in the world. To cover the same ground in New Zealand no less than six Acts have to be read together—The Factories Act, The Truck Act, The Shop and Shop Assistants Act, The Inspection of Machinery Act, The Arbitration and Conciliation Act, and the Boys' and Girls' Work without Wages Prevention Act. Both Colonies have had the courage to adopt explicitly principles

of labour legislation which the countries of the Old World and the States of North America are still painfully boggling over.

Victorian legislation has for years aimed at, and has now clearly reached, the goal of the Legal Minimum Wage; while in New Zealand compulsory arbitration forms the key-note of the labour laws. Victoria has set itself mainly to stamp out sweating by the introduction of a legal minimum below which no worker, at home or in the factory, shall be paid. New Zealand has addressed itself primarily to do away with industrial war by means of Compulsory Arbitration. But the New Zealand Arbitration Court also regulates wages among other conditions of labour when disputes concerning them arise, and the statute which gives the Court existence expressly empowers it to fix a minimum wage for adults.

(*a*) *Victoria.*

For more than a quarter of a century Victorian reformers have been struggling against the sweater, that is to say, against the employer who cuts down wages below the level of decent subsistence, works his operatives for excessive hours, or compels them to toil under insanitary conditions. The first Act was that of 1874, which

made certain sanitary requirements compulsory in all factories and workshops, and defined a factory or workshop as a place where ten or more persons were employed. It was forbidden to employ women for more than eight hours in one day, but the Chief Secretary had power to suspend this clause, and the arrangements for inspection and the enforcement of the law were very inadequate. Though this Act now seems the reverse of stringent it did good work in its day. It affirmed two main principles, namely, the right of the community to decide what should be the conditions of employment in all manufacturing industry, and that eight hours constituted the legal maximum working day for women and children. True, the latter did not apply to men and youths; but the principle once laid down could be extended, as it subsequently was, to the miners, tramway workers, and the Melbourne shop assistants.

In 1885 Victoria made a further step in factory legislation. A Royal Commission had been appointed to investigate the hours of the employees in shops and was further empowered to report on "the relations generally between employer and employed." The evidence taken by this Commission, and its final report, made a great impression on public opinion. For the first time,

the "sweating evil" was officially recognised to exist in the Colony, and the giving out of work to be done at home was specifically mentioned in the report as the root of the evil. The result was a new Act which became law in 1885. This included as a factory any place where six persons were employed, except where all the workers were members of one family; and compelled all work given out to be done at home to be recorded by the giver-out, with the name and address of the worker appended. This very slight advance was made to suffice for ten years during which sweating grew and flourished. The reports of Mr Levey, chief inspector of factories, during this time show a growing sense of the seriousness of the state of affairs. He reported in 1890 that sweating was specially rife in the tailoring, shirt-making and boot trades. He could only recommend that all places in which even two persons were employed in any process of manufacture should be brought within the scope of the law, and that every giver-out of work should be required to post up a list of the prices paid for it. He added the following sentence, significant in the light of what was to follow: "I feel satisfied that, unless the prices paid for work done outside the factory can in some way be increased, these suggestions will assuredly fail to achieve the desired object." He

did not suggest, however, any way in which this could be brought about.

In 1893, the *Age* newspaper—often called the real ruler of Victoria — published a series of striking articles describing the horrors of the "sweating" which, during the severe depression then felt in Melbourne, was unusually rife. Colonial complacency had not been much moved by the fact that tens of thousands of adult men were seeking work, and finding none. But public opinion was unspeakably shocked to learn that, even in wealthy Melbourne, women were working eighty or ninety hours a week, for eighteenpence or two shillings a day. The Victorian Government appointed a Royal Commission to investigate the matter. But public opinion moved so fast that, before the final report of this Commission was presented, the Government brought in and passed an amending Act in 1894 by which the number of workers necessary to constitute a factory was reduced to four, and givers-out of work were ordered to keep a list of the prices they paid for work done at home. This timid measure did not satisfy public opinion. A few months later the Lower House carried a motion affirming the necessity of fixing a minimum rate of wages in Government contracts. In 1895 the Government brought in a further Bill, enacting

that joint boards of masters and men should fix a legal minimum wage in certain specified trades in which sweating prevailed. In 1896, after being rejected once by the Legislative Council, this measure finally passed both Houses. By this Act power was given to the employers and employed in specified trades, such as the manufacture of clothing and boots, the furniture trade, and the baking trade, to elect Boards which should have power to fix the lowest wage that might be paid either to inside or to outside workers—the latter at piece-work and the former at either piece-work or time-work rates. Here we have the introduction of the Wages Boards, which have been the potent instrument by which sweating is at last in process of being rapidly abolished in Victoria. As the law stands to-day, after various amending Acts, Wages Boards may be established in any trade on the passing of a resolution to that effect by either Legislative House. The workers elect half the members, and, if the number of out-workers in the trade equals one-fifth, one member out of the workers' half must be chosen by the out-workers alone. The remaining half of the Board is elected by the employers. The Chairman, who has a casting vote, is chosen by the Board, usually on account of his special knowledge and ability; if the Board cannot agree on a Chairman,

the Government appoints one. In the Factory Report for 1898 the trades mentioned as having already set up Wages Boards are the following :—

1. The Baking Trade, in which the legal minimum wage per week was fixed at 49s. 8d. for adults and 18s. for improvers over 16. Eighty-seven adult workers tabled as "not under the Special Board" are entered as making 30s. 11d. per week. In 1899 the legal minimum wage was raised to 50s.

2. Furniture Trade (non-Chinese). Here the legal minimum per week for adults was fixed at 47s. 1d. for men and 22s. 7d. for women, while for improvers it was to be 16s. 3d. for boys and 8s. 9d. for girls. Boys under 16 were to get 5s. a week. Seven adult workers in this trade "not under Special Board" were entered as making 17s. 1d. a week. In 1899 the minimum wage for men was raised to 49s. 2d., while that for women was lowered to 22s. 4d.

3. Furniture (Chinese). Adults were to get 46s. per week and improvers 17s. 9d. There are no Chinese women in this trade. Two adults "not under Board" made 25s. 3d. per week. In 1899 the minimum wage for adults in this trade was raised to 48s. 7d.

4. Boot Trade. Here the minimum wage was fixed on a sliding scale according to age and class

of work. Adult males were to get from 42s. to 44s. 9d. per week, females 21s. Boys' wages were to vary from 5s. to 17s. 5d. and girls' wages from 5s. 5d. to 9s. 5d. There are no workers in this trade mentioned as "not under Board." The minimum wage for men in 1899 varied from 42s. to 44s. 5d. as compared with the 42s. to 44s. 9d. of 1898; while the minimum wage for women was raised to 21s. 4d. as against the 21s. of the previous year.

5. Clothing. For adult men the wage fixed was 52s. 8d. and for women 21s. 9d. As improvers, boys were to get 21s. 6d. and girls 8s. 10d. The wages of boys under 16 were 3s.; of girls, 3s. 2d. The number "not under Special Board" in this trade was 194 who made an average of 18s. 4d. per week. In 1899 the minimum wage for men was 52s. 7d., while that for women had risen to 22s. 1d.

6. Shirt Trade. Here the adult males are very few in number, and their minimum wage was fixed at 43s. per week, while the wage for women was 19s. Male improvers' wages range from 7s. 6d. to 12s. 3d., and female improvers' wages from 3s. 8d. to 8s. 10d. There are no entries in this trade as "not under Special Board." In 1899, a year later, the minimum wage for men was 41s. 7d., while that for women was 18s. 8d.

7. The Underclothing Board gave a first determination in June 1899. The difficulties in this trade were enormous owing to the varieties of shapes and patterns to be made up. The Board fixed upon 4d. an hour as the basis of their minimum wage of 16s. per week of forty-eight hours. Unfortunately, this Board showed, from the first, an incapacity to manage the complicated conditions of its trade, and the employers were allowed themselves to fix the piece-work rates, for those who take work home. This has led to wretched rates of pay in some instances. It is suggested in the factory report for 1899 that the onus of proof that his prices are correct should be thrown upon the giver-out of work, as the only means by which the Department can ever hope to enforce the present determination.

It should be added that, by a general statute, no beginner may receive less than 2s. 6d. per week in a factory: *i.e.* any place where four or more persons are employed. But the Board which regulates the lowest wages to be paid in each trade may, and does, determine that the sum shall be as much larger as is thought right. In the trades where Wages Boards exist the weekly pay of the beginner is generally fixed at 5s. per week as a minimum.

Besides regulating the legal minimum rate of

pay in any trade the Board regulates the number and proportion of beginners and improvers to adults. As is seen, in all cases the legal minimum wage for women is less than that for men, but there is nothing in the law to prevent women from earning as much more as they can get. In fixing the legal minimum wage the value of the lowest class of work must be dealt with. As a matter of fact, the minimum wage for the female worker in the clothing trade, which is 22s. 1d. a week, does not seem to press hardly on those women who, before the day of Wages Boards, were earning lower rates. Out-workers have to be paid under piece-work rates and, as these are fixed by calculations founded on the minimum wage paid inside the factory, they are invariably much higher than were formerly paid. In some cases they are higher than the time rates paid inside the factory. It is interesting to note what were the results on workers of both classes in such trades as the clothing and boot and shoe manufacture in 1898. The first result was that the amount of work done in the day was increased, whilst the wages were better and employment was more regular. In her annual report the Woman Factory Inspector says, "The workers inside the factories have, generally speaking, benefited greatly by the determinations, though they possibly have to work harder and more con-

sistently." With regard to the out-workers the report says, "A very large number of out-workers were employed in the clothing trade, but as the manufacturer can get his work done so much more cheaply indoors than by paying the piece-work rate outdoor, notwithstanding the fact that he has to pay rent, the cost of expensive machinery, fire, light, etc., it is not at all likely that he will give it out. As a natural consequence the outdoor workers have been considerably reduced in numbers. Many of them have simply exchanged their place of work from their own homes to the factories, and have frequently expressed the opinion that they have never been so well off in their lives, for, although they did not like the idea of going into the factories at first, it would now seem impossible for them to go back to the long hours and poor pay which they had formerly been used to." The Wages Board of the Shirt Trade gave a determination which based the piece-work rates for out-workers on the indoor average minimum wage of 16s. a week. This, according to the Factory Inspector's report, worked very well. The outdoor rate—though in all cases raised somewhat, and in many cases considerably—was not prohibitive, and much machining continued to be done outside the factory. In fact this trade gave work to many women who really belonged to the clothing trade but who, after the determina-

tion, did not choose to go into the factory, and who were not good enough workers to earn the high piece-work rates fixed by the Wages Board of the clothing trade for out-work. Generally speaking, judging from this early report, the secondary results of the Wages Boards' determinations have been that work inside factories tended at first to become more strenuous and more regular for the increased wage, though with shorter hours of work; that the quality of work from out-workers was required to be better in some trades, and that in others the out-work was absorbed into the factory. But it is also obvious that some of these first determinations were not the best that could now be arrived at. It has been found possible, after closely watching the working of the decisions, for Boards so nicely to adjust the inside and outside wages that, while the whole status of the worker has gone up and must keep up, the out-workers are still able to ply their trade at home and their final absorption into the factory, though probable, is slow and quite harmless.

It should be added that the Act enforces an Eight Hours Day for all boys and girls under 16, and for all women. The place of work of the out-worker is brought under inspection. All "truck" and contracts in evasion of the law are made illegal. Finally, the system of charging a

premium to apprentices in the clothing trade is forbidden.

(*b*) *New Zealand.*

New Zealand has not yet consolidated its factory legislation into a single statute. The Factories Act, The Inspection of Machinery Act, The Shops and Shop Hours Act, The Truck Act, The Arbitration and Conciliation Act, and an Act dealing with Children's Wages, must all be studied together in order to arrive at the industrial conditions of the Colony. "The Employment of Females Act," 1873, seems to have been the first effort at factory legislation. It provided that "no person shall employ any female at any time between the hours 6 in the afternoon and 9 in the morning or for more than eight hours in any one day." Also that "every female shall have a holiday on every Saturday afternoon from 2 o'clock, and on Sunday, Christmas Day, New Year's Day, Good Friday, Easter Monday, and any other day set apart as a public holiday, without loss of wages." Here are two principles laid down at the outset—an eight hours day for women within definite limits and the right to a weekly half-holiday without a reduction of wage. The first definition of a factory came in an amending Act in 1875 when it is described as any manufactory, workshop or place

of business where any female, child or young person shall be employed"—"child" meaning a girl or boy between the ages of 10 and 14 and "young person" one between 14 and 18. In 1881 the minimum age of employment was raised from 10 to 12 years; and three years later inspectors were given fuller opportunities of checking overtime. In this state the law remained for some ten years—a rudimentary machine for nominally limiting hours for women and children, and requiring that "every workroom shall be properly ventilated."

In 1891 was passed the Factories Act, which is now the basis of our industrial legislation. Here we have important and far reaching changes. "Factory" was defined as a place where three or more persons are at work; "Child" as a boy or girl under 14. In other respects this Act went on the same general lines as the English Factory and Workshops Act of 1878, with the necessary modifications to suit Colonial conditions. A Shop and Shop Assistants Act was also passed in 1891 regulating the hours of business in shops.

In 1894 the present Factories Act was passed. It went generally on the lines of existing factory legislation, but is remarkable for the completeness with which it incorporated the most advanced sections of the English, Australian and American laws of the time, and the results of practical ex-

perience. The chief points of interest are the definition of factory so as to include any place where two or more persons—the employer counting as one—are employed, in the preparation of articles for trade or sale; the compulsory registration of every such place; the prohibition of the employment of persons under 16, unless they have reached a certain educational standard and have received a certificate of physical fitness from the Factory Inspector (such certificate being given to children under 14 only in special circumstances, and for the smallest workshops only); the provision of a minimum extra wage for overtime; and the unusually elaborate requirements as to factory records and statistics. Records of names and ages of those under 20, together with a description of their work and weekly earnings, have to be produced at the inspector's request. Records of work done outside the factory have to be kept. If this work is done in a place not registered as a workroom (that is to say by a solitary worker in a private dwelling) it has to be ticketed "Tenement made," with the name and address of worker appended. Ventilation, sanitary convenience, air space, the safe-guarding of machinery, etc., must satisfy the inspector. Where more than six women or young persons are employed a dining-room must be provided. Young persons are defined

as workers under 18. Women's and young persons' hours are to be not more than forty-eight a week. Overtime is to be paid at not less than sixpence an hour, and is only permitted on twenty-eight days in the year, and—most important of all—with the prior sanction of the inspector in each case. No woman is to work in a factory for four weeks after her confinement. The Saturday half-holiday is given to piece-workers as well as time-workers.

The two most important clauses of this Act are, the wide definition of a factory and the prescribed ticketing of tenement made goods when exposed for sale. Except that a man and his wife count as one person, there is no way of evading the principle that any two persons working together constitute a factory. A mother and child make a factory and have to be registered as such. They must observe factory regulations as to hours and sanitation, and are open to inspection at all hours. The only work which can be done uninspected is that prepared by solitary persons, and this, if clothing, must be ticketed "tenement made" when exposed for sale. It is found that this regulation serves to restrict the desire of manufacturers to give out work to these uninspected single persons. In fact, as far as hours and sanitary conditions are concerned, the Factories Act gets

at practically all the workers in New Zealand. Instead of driving them from their homes to the factories, the Act brings the factory into their houses and in this way tackles the great sweating question. Fine as is the Victorian Law it lets through its meshes all places (other than those employing Chinese) where fewer than four persons are employed. In this respect it falls short of the New Zealand Act.

The question of wages is, in New Zealand, not dealt with by the Factories Act, except in the case of overtime. But wages are regulated in New Zealand in a manner that tends every year to grow more thorough. The Arbitration and Conciliation Act provides that all trade unions containing seven or more members may bring grievances before the local Conciliation Board and have their differences with their employers thrashed out. If the recommendation of the Board is not accepted by both parties in the dispute, either side may take the case before the Central Arbitration Court, which has power to give a compulsory award, enforceable by law. The subjects of difference between employers and employed are many, but wages and apprenticeship are as freely dealt with as are hours, or the fruitful question of union and non-union labour. No class of workers can be too poor or down-trodden to form a union under the

Arbitration Act. Seven persons of either sex or of both sexes may combine and register as a union, and they have the right at any time to take any of their employers before the Conciliation Board, and, if necessary, into the Arbitration Court, where an impartial tribunal will deal with their dispute, and the more hardly they have been used the more likely are they to receive relief. The question of funds is comparatively unimportant, as a poor union is as readily listened to as a rich one, and has the same fair play dealt to it. Under this Act numbers of small women's unions have registered which can and do seek relief from hardship before the Arbitration Court. It is an Act which encourages the workers to combine and work out their salvation for themselves, and which makes strikes unnecessary by providing a means whereby disputes may be decided on their own merits instead of by money and brute force. With strong unions the question of wages is often not the point at issue, but with weak women's unions wages are of paramount importance. The award once made holds good for the whole district. A minimum wage may be determined for any trade before the Arbitration Court. All over the Colony the women employed in the clothing trade have invoked the aid of the Act and have greatly bettered their condition in this way. Two burn-

ing questions—that of wages and that of union versus non-union labour—have been at issue and both have been decided, without any dislocation of trade, and mainly in favour of the workers. The Tailoresses Union of Wellington brought their employers before the Conciliation Board in 1898 when the Board recommended—

1. A minimum wage, namely: coat, vest and trousers hands, first class £1, 10s., second class £1, 5s., third class £1, 1s. per week; machinists, first class £1, 10s., second class £1, 5s.

2. Apprentices to be limited to one to every four or fraction of the first four operatives, and no two to be admitted in one year.

3. Overtime to be paid at rate of time and a quarter.

4. That employers shall employ members of the union in preference to non-members, provided these are equally competent with non-members and are willing to undertake the work where non-members are employed.

The women were willing to accept this recommendation, with one exception; but the masters wished to reduce the minimum wage in all classes, objected to limiting the number of apprentices and to the preference of employment of members of the union. The Arbitration Court was therefore invoked, with the result that it ordered that the

minimum wage of the Conciliation Board recommendation should be in some cases raised, and in all other points practically adopted the award in its entirety. This then became law for the Wellington district.

The Dunedin Tailoresses obtained a compulsory award from the Arbitration Court which ordered that—

1. The minimum wage paid to workers including machinists should be £1, 5s. per week.

2. Apprentices to be limited to one to every three operatives or fraction of the first three operatives.

3. All overtime to be paid at the rate of time and a quarter.

4. Only forty-five hours to be worked each week.

5. Employers to give preference to union over non-union workers under the same provisions as in the Wellington award. This now rules the trade in the Dunedin district.

It will be seen from these awards, which have all the power of law, that the New Zealand tailoresses enjoy the benefit of the legal minimum wage, though the method by which they arrive at it is different from that used in Victoria. It will also be seen that other grievances, whatever their nature, can be amicably settled between them and their employers. Women printers have also come

before the Arbitration Court, with the result that the Court declares that no restriction shall be made preventing the employment of women in the printing trade, and that women shall receive the same wage as that earned by men working in the same branch of the trade. Whether this award will lead to the complete exclusion of women, or whether, on the contrary, it will give them a firmer footing remains to be seen.

Shop assistants may bring their employers before the Arbitration Court in the same way as other organised workers. The grocers' assistants in New Zealand are at this moment engaged in settling a dispute in this way. But the Shops and Shop Assistants Act also deals with the question of hours to the extent of limiting women and young persons to fifty-two hours per week, and giving all shop assistants a statutory half-holiday from one o'clock one day in every week. Women are to be provided with seats.

An Act with the quite extraordinary title of "The Employment of Boys and Girls without Wages Prevention Act" provides that every beginner in a factory shall receive wages, in the case of a girl, of at least 4s. per week; and in the case of a boy, of at least 5s. per week.

Victoria and New Zealand have each in their

several ways been determined and thorough in their fight against bad labour conditions. Having put their hand to the plough they are keeping it there and sparing no effort to make their furrow deep and straight. It is always interesting, even if unnecessary, to compare their systems. Both countries recognised that it is the lowest class of workers by whom wages are kept down for all grades of labour. Victoria plunged into the sweated women's trades, pulled out the home-worker—that *bête-noir* of English economists—from the mire, set her upon the firm basis of a minimum wage, and believes that with that rock to stand on she, and all labour with her, will be able to fight with free hands for further advances. New Zealand has protected her home-workers by putting the Factory Act round them so that none may evade short hours and good sanitary conditions. She has fixed minimum wages for factory children, and overtime. She has then armed all labour with the power of the Compulsory Arbitration Court to enable the workers to obtain a minimum wage, or shorter hours, or preference for unionists, or all three together, as the necessity of their case demands. The Arbitration Act also acts as a valuable preventative in trades and localities where it is not actually used as a cure. The Victorian system perhaps accom-

plished at the outset more immediate and definite good in three or four specified trades—good which it is impossible to over-estimate. The New Zealand system, the decisions under which now number one hundred, works more gradually but over a wider area, and its elasticity is such that it promises to emancipate not the lowest only, but all grades of labour, under conditions of absolute industrial peace. Both systems have their lessons for the Mother Country.

V.

SOME CURRENT OBJECTIONS TO FACTORY LEGISLATION FOR WOMEN.

THE intelligent person who comes with interest, but without knowledge, to the consideration of industrial problems, will almost certainly set out with a strong bias in favour of leaving employers and employed to make their own terms. To a person whose own bargains have all been individual ones any regulation of the conditions of bargaining appears to be an infringement of the principle laid down in Mill's treatise *On Liberty*. That principle, stated briefly, is that organised society has no concern with any part of individual conduct that is not injurious to other individuals. To whom except herself is it injurious, the woman of the middle classes indignantly asks, that a needlewoman should devote twelve hours on some particular day to her labour instead of ten? Who is wronged when a woman working for a daily wage of eighteenpence or less—a woman widowed and with small children dependent upon her—chooses to work

through three-quarters of the night for the sake of earning another shilling?

The answer is that every other woman working in the same trade is injured. Every woman who consents to work twelve hours a day tends to enforce a twelve hours day upon every other working woman; every widow who works half the night at an industrial employment helps to make it impossible for any widow in future to earn a subsistence wage unless by working half the night. The complicated methods of modern industry form a network in which no industrial action can be really single and merely self-regarding. The twofold result of this complexity is to cause the conditions of work of every worker to react upon those of all the others; and, in the immense majority of cases, to deprive the individual worker of any choice as to the conditions of employment. The case has been admirably put by the late Professor Fleeming Jenkin: "If any individual who pleased could work overtime without entailing equal work on all his fellows there would be little or no objection to overtime, but if overtime be made at all, it must be made by a large proportion of the men employed in a shop. The engine must be at work, the gas burning, the timekeeper at the gate, the foreman present; and does any one suppose that this can be done for an odd man here and there who wishes to

get on and earn extra pay? . . . It may be inconvenient to a few of their number not to have the opportunity of making more, but it would be intolerable that a large mass of workers should, night after night and year after year, have all of them to work till ten o'clock that one per cent. of their number should rise to be a master, or even five per cent. with extra large families should be more at their ease." The individual, then, cannot, in a highly-organised factory system, obtain for himself or herself conditions differing from those of his or her fellow. The question resolves itself into a choice, for each individual, and for the whole group, between being compelled to work long hours or restrained from working long hours.

Neither has the individual worker, unless he possesses some monopoly of skill, strength or talent, any power in determining his rate of pay. That, in the absence of any check on "free" competition, will be determined by the lowest rate which his competitors willingly or unwillingly accept, and all observation shows that the unskilled and unprotected worker not only may be, but in the long run inevitably is, driven to work very long hours for a rate of pay which just secures subsistence, or which even, where there are many partly supported competitors, falls below the subsistence line. The position of the wage earner, therefore, under a

régime of individual bargaining, is found on examination to be one in which he can neither help himself nor avoid injuring his fellow-workers.

Voluntary combination — trade unionism — has succeeded in enforcing collective bargaining in some cases, but it has never, up to the present time, been permanently successful in shortening the hours of (*a*) casual or temporary workers, (*b*) workers employed by companies who practically enjoy a monopoly. The State, without defining its position in the matter, has followed the principle of intervening in cases where the continued existence of great hardship seemed to show that the voluntary efforts of the workers had failed to obtain redress. Thus, it has regulated sanitary matters for men and women alike, and hours not only for most classes of women workers, but also for railway servants who are men, and, moreover, strongly organised, but who nevertheless had shown themselves unable to secure anything like a reasonably short day of work.

In Great Britain, at the present time, only in two trades do the majority, or even a large minority, of the women employed appear to be organised. These are the cotton workers and the cigar makers. These trades, though standing far as the poles apart in their methods of production, and in various other features, present some marked

points of resemblance. In both cases men and women work in the trade, and are members of the same union; in both the hours worked by the men are not restricted by law, but fall within the limits fixed by law for the women. In both the women are allowed to undertake the same processes of work as the men, but seldom attempt the more skilled and highly-paid branches; in both they receive a wage above the average of women's pay; in both a degree of skill above the average of women's attainment is required. In both, organisation has not preceded but followed the application of the Factory Acts.

If, then, after years of effort, the great body of women workers remains practically unorganised — and the fact is undeniable — we are confronted by the question whether or not women workers in general are to be left enduring these hardships from which the individual worker can only be saved either by collective organisation or by state intervention, and from which the skilled men workers of the country have, to some small extent, and as regards certain conditions of employment, saved themselves by voluntary combination. That it is well to save them from these hardships will hardly be disputed; the dispute is whether, in saving them from these, the State exposes them to other and greater hardships,

whether, for instance, it be true, as is frequently asserted, that the shortening of hours leads to the lowering of wages and the diminution of employment.

The opponents of Factory Legislation, as applied to women, fall into various, often overlapping groups, but before proceeding to examine these separately it may be well to notice the attitude of those persons, some of whom are to be found in each of the groups, who believe that the enactment of regulations affecting the labour of women and not of men has been deliberately obtained by working-men, who have employed their political power for the express purpose of excluding women from employment.[1] The persons who hold this view can only be referred to the history of Factory Legislation, of which a sketch has been given in a preceding chapter. As a matter of fact, all the main outlines of our Factory Legislation were laid down by Parliament before working-men had votes, or Trade Unions any direct political influence.

[1] A curious instance of the length to which this opinion may carry persons entertaining it was afforded by a lady who, in my presence, assured a meeting that the law imposed restrictions upon women only in those trades where they competed with men. The statement is, of course, absolutely unfounded. The number of cases in which, in manufacturing industry, women compete with men for the same employment is infinitesimal, whereas the Factory Acts apply to all women in factories or workshops, whether there are any men in the trade or not.

The strict regulation of women's hours in textile factories, and their total exclusion from underground work in coal mines, were both completed before 1850, whereas, even urban workmen had no vote before 1868, and the mass of the miners and cotton operatives none before 1885. Moreover, in the one and only case in which the men of a Trade Union have ever pressed for the restriction of the hours of women and children in their own trade, it is admitted, and clearly demonstrated, that they did so entirely for the purpose of making the same restriction apply to their own hours. This is the case of the cotton workers, and it must be added that the men attained their end. By pressing for legislation for women and children, the Trade Union of the cotton spinners (who are all adult men) has been able rigidly to limit the hours of its members to those fixed by law for the children who work with them; and the Trade Union of the cotton weavers (comprising both men and women) to enforce upon all its members the limit imposed by law on the women only. "Women and children," said the men's Trade Union newspaper in 1893, were "made the pretext for securing a reduction of working hours for men."[1] It is an amazing perversity which can construe this agita-

[1] See, for all the details of this movement, the *History of Trade Unionism*, by S. and B. Webb, p. 297.

tion as a device of the male workers to put a fetter on their female competitors from which they themselves were to be free.

In truth, the selfishness of the male workers has taken an entirely different form. The men's Trade Unions, unfortunately, seldom trouble themselves to ask for the improvement of the conditions of employment of women workers, whether in their own or other trades. They are so busily employed in agitating for Acts of Parliament to regulate their own labour, that they have no time or money to devote to the women's grievances. The elaborate code of law, for instance, which regulates almost every detail of underground employment in coal and iron mines, where no woman has worked for half a century, has been built up by successive agitations of the miners' Trade Unions, exclusively for the benefit of their own members. And it would be in the last degree imaginative to ascribe to any interest in women's work, the long-continued and often successful agitation for one Act of Parliament after another, by such great Trade Unions as those of the railway workers, engineers, sailors and firemen, and the building trades; though the regulation of labour thus obtained, in such matters as prevention of accidents, compensation for injury, payment of wages, fines and sanitation, has largely applied also to women. Finally,

the strange idea that the men have any malign interest in regulating women's hours, and not their own, has been completely disposed of by the persistent agitation, now carried on by the Trade Union Congress, year after year, for a general Eight Hours Bill, applicable to men and women alike. Since it is obvious that the economic and social results of any legislation are not affected by the manner in which that legislation was brought about, nor even by the aims of those who brought it about, the whole historical question of the action and designs of the men is, strictly speaking, irrelevant. The accusation, however, is so continually repeated that to pass it by without notice might perhaps be interpreted as an admission of its truth.

To return to the various groups of objectors. These seem to be—

1. Those who believe that unrestricted—or as they generally call it, free—competition is the only healthy condition of the labour market, and that every regulation which puts a barrier in the way of such competition is a check on the trade of the country and therefore, in the long run, injurious to the workers.

2. Those who believe that the regulation of labour is harmful when brought about by the law of the land, and harmless, indeed beneficial, when

brought about by combination on the part of the workers.

These two classes of objectors have been elaborately answered in the first chapter of this book. There remain those who, believing themselves in favour of regulation of conditions of employment, object to such regulation being imposed on women only. These also fall into two classes—

3. Those who believe that it is unjust to impose such regulations upon women, because women are not represented in Parliament.

4. Those who believe that such legal regulation of labour might be advantageous, if universal, but that while partial, it tends to diminish (*a*) the payment, and (*b*) the employment, of the regulated class.

In considering Group 3, those who believe it unjust to impose such regulations upon women because women are not represented in Parliament, we find ourselves face to face with an objection belonging to the sphere, not so much of economics, as of political theory. It can hardly be denied that, logically and theoretically, this objection is perfectly sound. Logically and theoretically, indeed, its application is not confined to the industrial sphere, but extends into every province of the law. It is obviously inconsistent with the whole theory of repre-

sentative government that laws of any kind should be imposed upon persons who have no voice in framing those laws. If the government of this country were logical—a claim which its greatest admirers have never made for it—women would either be admitted to vote, or else exempted from (*a*) legal punishment; (*b*) legal protection; (*c*) the enjoyment of public services, such as education and the post-office; and (*d*) taxation. As it is, the law denies them the right to vote but demands from them taxation, inflicts upon them punishment, affords them protection, and allows them to use the National Gallery and the Post-Office exactly as if they were men—and these courses, though illogical in the highest degree, and irritating to persons with a turn for theoretic symmetry and order, are not found practically very inconvenient. Nor does the range of the law stop short at treating women like men; there are points in which it differentiates; and probably not even the most eager advocates for women's suffrage would wish to see those enactments removed from the Statute Book which give to women special protection, and impose on men special punishment, in cases of indecent assault. Nor would these same advocates—among whom the writer of these pages is to be reckoned—be more willing to forego for women the advantage

of factory legislation, were they but once convinced that such legislation is really beneficial. What the opponents of such legislation feel—and justly feel — is that to impose upon an unrepresented class special legislation *adverse to the interests of that class* is something more than a theoretic injustice. Theoretically, all legislation imposed upon an unrepresented class is an injustice ; practically, the question at issue is whether the particular legislation is or is not adverse to the interests of the class affected. To that fundamental question, indeed, the whole dispute ultimately narrows itself, and in the answer to it is involved the reply to the objections which fall under Group 4.

That question is by no means a simple or easy one. Its answer must be the resultant of a great number of forces, some tending in one direction and some in another. To answer with any probability of truth we must not content ourselves with considering what will happen ; we must examine—which is far more difficult—what has happened. We must discover what essential differences, if any, separate the woman worker from the man worker, and the true incidence of competition, if any, between men and women as workers. We must also particularly consider the attitude of women towards regulated and unregulated trades.

There is, under our present social conditions, one great fundamental difference between men and women as industrial workers. It consists in the fact that men expect to remain wage earners until old age, while women expect to remain wage earners until marriage. The man contemplates an industrial life of some forty or fifty years; the woman an industrial life of some ten or fifteen.[1] It is fairly obvious that the interests of two classes of workers, whose future conditions are so different, will not be identical. It is worth while, for instance, if one expects a long period of earning, to spend a considerable part of that period, even at small pay, in acquiring that skill which will bring in high remuneration later. But if one expects to cease earning in about ten years it is emphatically not worth while to spend seven of those years in some form of apprenticeship. The aim in the one case is to earn as much as possible—an aim which involves delay; in the other to earn as soon as possible—an aim which involves comparative smallness of remuneration. Here, then, without any question of legal intervention, we have one potent cause of the difference

[1] "It is noteworthy that, in the 1891 census, of the 659 women employed in the printing trade in Edinburgh as compositors, readers, machine girls, etc., only nine are entered as over 25 years of age." "Edinburgh Compositors and Women's Work," L. Barbara Bradby, *Women's Industrial News*, December, 1898, p. 75, note.

between the wages of men and women—that difference which is often supposed, in spite of the fact that it existed long before, to have been produced by the industrial "disabilities" of women. That it is a real cause is shown by the fact that in occupations habitually followed by women after as well as before marriage this difference exists either not at all or in a much less degree. A publisher does not offer a lower royalty to Mrs Humphry Ward than to Mr George Meredith; nor does the "leading lady" of a theatrical company or an operatic *prima donna* receive, as such, a lower salary than the leading actor or the *primo tenore*.

The inequality between the pay of men and women tends to accentuate itself, owing to that very difference in training which arises from the obvious fact that it is not profitable to train oneself highly, and therefore slowly, when one's career will probably be short. The best posts in any calling are for the highly trained, that is to say, in the present state of things, for men. Thus we find that, in the cigar trade, although men and women frequently work together, and although there is nothing to hinder the women from undertaking the more highly paid branch of the trade—the making of cigars by hand—they seldom do so. They generally confine themselves to "moulded"

cigars, the making of which "requires far less skill and length of training . . . and allows of inferior work."[1] This general preference is entirely a matter of personal choice. "In this trade there is no opposition to women on the part of men; the women belong to the same Union, work in the same shop and have a foothold in factories where the best work is done."[2] Piece-work is the rule, there appears to be very little overtime, and the hours for men and women alike fall within the limits set by the Factory Act. Many women habitually begin work late—no doubt because they perform household duties before coming to the workshop, and there are also a good many who do not care to earn a high wage at the expense of hard work. Mrs Oakeshott quotes the remark of a girl who didn't see what a girl wanted more than 15s. a week for. "When I have earned my 15s. I've done." The views of a man with wife and children are naturally very different.

A similar divergence is found on inquiry to exist between men and women as compositors. It is found that, while boys are apprenticed for seven years, there is no regular system of apprenticeship for girls, whose period of training may

[1] "Women in the cigar trade in London." Grace Oakeshott, *Economic Journal*, December 1900.

[2] *Ibid.*

vary from three months to four years, and who seldom learn any part of the trade beyond the actual setting up of type. "Thus, though never as completely trained, they become full wage earners at a much earlier period of employment than their contemporaries among the men. This practice is said to suit them better, since, as it is probable they will marry and leave off work, they hardly care to spend seven years of their wage-earning life in being trained." [1] One result of the inferior training received by women compositors, and of the early age at which they pass out of the trade,[2] is that they are not employed in the printing of daily newspapers, a branch of the trade demanding skill, experience, and that power of working at high pressure which is in part developed by skill and experience. So long as daily newspapers were published only in the morning, and consequently printed at night, it was possible to suppose that the legal prohibition of night work for women was a factor in their absence from newspaper offices; but this could not be the case in regard to evening papers, which are printed in the day. There is nothing in the provisions of the law to prevent women from being employed in the printing of

[1] "Women Compositors and the Factory Acts." L. Barbara Bradby and Anne Black, *Economic Journal*, June 1899.

[2] *Vide* note, p. 204.

evening papers, but no woman is so employed. The vast majority of women in the trade are below the age at which a compositor—even though prepared by seven years apprenticeship—has acquired sufficient skill to hold such posts, and of the small minority, whose experience has been long enough, perhaps not one has had the necessary training. These facts, together with the unwillingness observed in women generally to undertake industrial work demanding unusual speed and concentration, appear amply sufficient to account for what has been called, with some inaccuracy, the "exclusion" of women from newspaper work. From a large part of newspaper work they are not excluded by law, and yet they are not there employed. Their "exclusion" is, in fact, due to exactly the same cause as the exclusion of a large number of men compositors from the same work, namely, that they are not sufficiently well-trained, strong and quick for work done at high pressure.[1]

We thus find, on comparing men and women workers, that a real difference does exist between the two classes, a difference which covers, not the whole indeed, but the greater part of the indus-

[1] A "feministe" newspaper, *La Fronde*, in Paris, is said to have desired to employ women as compositors, and to have been prevented by French law. But this can hardly be taken as evidence that women would be employed, in preference to men, on newspapers run on commercial principles.

trial field. This difference consists primarily in the fact that while men are permanent, women are temporary industrial workers. From this primary difference arise secondary differences of need and desire, leading to inferior training and inferior skill on the part of women, and to a consequent differentiation of work, those branches which demand most skill, training, and application tending to pass into the hands of men, and those branches which demand least of these qualities into the hands of women. Thus, though men and women are largely employed in the same trades, the two groups are but little employed in direct competition with each other. The low wages of women, and their difficulty in obtaining remunerative employment, are due, in fact, largely to their industrial incompetence.

This being the case, it becomes of vital importance to women that they should increase their physical strength and their industrial skill. If working long and irregular hours, accepting a bare subsistence wage and enduring insanitary conditions tended to increase women's physical strength and industrial skill—if these conditions of unregulated industry even left unimpaired the woman's natural stock of strength and skill—we might regard Factory Legislation as irrelevant. But as a matter of fact, a whole century of evidence

proves exactly the contrary. To leave women's labour unregulated by law means inevitably to leave it exposed to terribly deteriorating influences. The woman's lack of skill and lack of strength is made worse by lack of regulation. And there is still a further deterioration. Anyone who has read the evidence given in the various inquiries into the Sweating System will have been struck by the invariable coincidence of a low standard of regularity, sobriety and morality, with the conditions to which women, under free competition, are exposed. On the other hand, the direct and constant result of enforcing standard conditions of employment is, as has been explained in the first chapter, to raise the capacity of the workers. The prevention of excessive, or irregular hours of work, the requirement of healthy conditions, and the insistence on decency in the factory or workshop—the direct results of Factory Legislation—represent exactly what is required to extricate the mass of working women from the slough of inefficiency in which they are unfortunately sunk. Hence, so far from regulation being any detriment to the persons regulated, it is, as all experience proves, a positive good.

But, it may be objected, that although Factory Legislation would improve the women, it annoys the employer, and makes him inclined to get rid of

women altogether, and employ men. As a matter of fact, this course, though often threatened beforehand, is not in practice followed.[1] Where women can be employed, their labour is so much cheaper than that of men that there is no chance of their being displaced. The work of men and women tending automatically to differentiate itself into separate branches, it follows that there is very little direct competition between individual men and women.[2] The real incidence of competition is rather between methods of production, and the choice between different methods depends on circumstances varying in every case. The introduction into any trade of machines which can be successfully worked after a short period of training, and which demand

[1] What employers say, and no doubt believe, that they will do in a hypothetical case, is by no means identical with what they do when the case becomes real. An instance occurs in Pike's *Life of Lord Shaftesbury*, p. 43, where a speech made by Lord Shaftesbury is quoted. "I remember perfectly well that, when after the attainment of the principal objects of the factory movement, I went round from mill to mill to see the several proprietors, . . . one of the greatest of them . . . took me by both hands and said, 'I was long your most determined opponent, but you have carried the day; and now, never part with a hair's breadth of what you have won. It will do no harm to us, and it will do great good to the people.' And such have ever been their sentiments and their action. The evils chiefly feared were foreign competition, loss of trade, reduced wages and universal distress, but these in time were answered by increased production, equal profits, higher wages and universal prosperity."

[2] See "The alleged inequality between the wages of men and women," by Sidney Webb, *Economic Journal*, 1892.

neither very much physical strength nor very much mechanical knowledge, will, for instance, be pretty certain to promote the employment of women. On the other hand, the introduction of large, heavy and intricate machinery will, as certainly, be favourable to the employment of men. But since it is precisely in trades employing such machinery that men have been most successful in shortening their hours by Trade Union action the employer has, in practice, the choice between employing on one system of manufacture women whose hours are shortened by law and whose wages are comparatively low, or on another system of manufacture, men whose hours are shortened by trade combinations and whose wages are comparatively high. The employment of women in what may be called the higher grade system of manufacture will be promoted, not by allowing them to work longer hours, for long hours are never a concomitant of high class labour, but by improved training and by a change of attitude towards their work on the part of the workers themselves.[1]

[1] It will sometimes occur that a change in the methods of any branch of trade will transfer that branch from one group to the other. An instance of such a change is furnished by steam laundries. It is frequently declared that in steam laundries "men are being employed to do the washing instead of women"—a phrase which calls up in the mind of the uninitiated hearer a picture of long rows of men standing bare-armed at the wash-tub —and that this supersession of women is due to the application of

But notwithstanding all argument, the allegation is constantly made that legal restriction diminishes the employment and the pay of women ; and it is often assumed that these results *must* follow a restriction of hours. It may be worth while, therefore, to examine in detail an actual case in which female workers, already earning a very low piece-work wage, had their working hours considerably shortened by the direct interposition of the Factory Inspector. A girl attending a drill class at a club was observed to be out of health and apparently overworked. It appeared on inquiry that she worked, together with some half-dozen others, all day in a workshop, finishing small articles which were paid for by the dozen. The employer gave each girl work to carry home and bring back next morning. The weekly wage, even including the payment for work thus done beyond the factory hours was very small—certainly considerably below ten shillings a week. Here, the opponents of legislation might say, was a case in which to shorten hours

Factory Legislation to laundries. The real nature of the change is not that men have adopted the work of women but that hand labour has given way to steam power. Men have not taken to the wash-tub nor women to the management of engines. Moreover the change in the methods of work dates from before the change in the law, of which, indeed, it was, in a large measure, the cause. That the men in charge of the machines, however, habitually work either longer hours than the women displaced or than women are allowed to do by the Factory Acts, is not true.

would be a positive cruelty. Even working some sixteen to eighteen hours a day the workers barely earned a livelihood. How terrible then would be their case if they were only allowed to work ten. The friends interested in this girl thought differently. They knew that, under the Factory Act of 1895, the taking home of work after regular hours of work in the "shop" was illegal, and they communicated with a Factory Inspector. That lady came at the hour of closing, found each girl going home with a parcel and inquired its contents. Finding the parcels to contain work, she bade them take the work back, and informed the employer that such home work must cease. The employer soon afterwards drew up a statement for signature by each employee, declaring that the work was taken home to be done, not by herself, but by relations. The girls were afraid to refuse their signatures; but they reported the fact to their "interfering" friends outside, who communicated it to the Factory Inspector. She made a second visit, and again found the girls going home with parcels. Again she had an interview with the employer, and after this the practice was definitely stopped. The girls at the end of a week had worked only the legal hours, and, on piece-work pay, had of course earned very much less than their usual low wage. They complained to their employer that now the Inspector

had stopped their night work they could not live upon their wages, and asked for a rise. The employer raised the piece-work prices in a proportion which appears to be from forty to fifty per cent. The girls, therefore, were receiving practically the same pay—certainly no less—for a ten hours day as they had previously received for a day of sixteen to eighteen hours. Nor did the matter end here. The employer finding himself no longer able to employ each girl for a double shift of hours found it necessary to take on more hands, and engaged six new workers. Thus the result of the legislative "interference" was, primarily, to save seven girls from severe overwork, and that without reduction of wages, and secondarily, to employ thirteen girls for ten hours a day where seven had been employed for sixteen to eighteen. It may be added that the manufactured goods—small articles of ladies' clothing—do not appear to have risen at all in selling price. The work was not highly skilled ; the girls could easily have been replaced ; and it is fairly evident that in the present state of the unskilled labour market, no Trade Union could have effected the reduction of hours brought about by the action of the law. Their wages were already on that low level beyond which any considerable descent is impossible ; and that level remains practically the same whether the recipient

works only for the number of hours allowed by the Factory Act, or, to use her own picturesque phrase: "all the hours God sends." In this case then, "restriction," so far from driving women out of employment, directly caused the employment of more. That the shortening of hours has this result is one of the main arguments used by trade unionists, who constantly maintain that the absorption of labour so effected tends to an actual, even if not always a nominal rise of wages. In the case before us such a rise did take place. The adventure of these seven girls would thus seem to suggest that there may be another and more agreeable method of securing employment for women besides that of accepting the very worst conditions offered.

The census figures of the five enumerations from 1851 to 1891 (carefully analysed by Miss Clara P. Collet in a paper read before the Royal Statistical Society and published in the Journal of the Society for June 1898) show that there is no statistical evidence as to women's displacement as a result of legislative regulation. They do, indeed, show a slight actual and a considerable proportional decrease, both in 1881 and 1891, of "domestic indoor servants." They also show, throughout the whole field of women's employment, certain proportional decreases per 10,000 females over the age of 10, amounting altogether to 253, of which agricultural occupations

alone account for 186; and on the other hand certain increases amounting to 229. These figures make it quite clear that the vast increase in the number of occupied women, which is sometimes supposed to mark the last fifty years was, as late as the year 1891, illusory; but the methods of classification which often include under one heading factory workers and home workers make it impossible to say whether, for example, the increase in tailoresses and machinists represents the one group or the other.

In this connection it may be noted—not for the first time—how extremely fallacious are percentages of comparison between increases in the employment of men and women. For instance, such a statement as that made by Miss E. J. Boucherett[1]: "In the millinery, mantle, stay, corset, and dressmaking trades the number of men has doubled, while the women have increased by little more than half," may represent either a condition of things in which women are passing out of the trades in question or one in which they are flocking in. Everything depends, not on the proportions, but on the actual numbers. To take an imaginary example on a small scale. Suppose that in a mantle factory there were twenty women workers and one man cutter, and that, business

[1] "The Fall in Women's Wages," *Englishwoman's Review*, April 1898, p. 18, note.

increasing, eleven more women were taken on and one assistant cutter. This new condition of affairs would be exactly represented by the above statement, but yet, if multiplied by a thousand it would still mean that eleven thousand fresh women had come into the trade and only one thousand men. The smaller the number of persons employed in any trade the larger will loom the percentage of even a small increase. When we come to examine the attitude of women towards regulated and unregulated trades, it becomes necessary to consider that chief of unregulated callings, domestic service —an employment in which competition is absolutely unrestricted and which is quoted by the opponents of factory legislation as a triumphant example. It is pointed out that in domestic service, and perhaps in domestic service only, the wages of women have risen, and the demand for workers exceeds the supply. Miss J. E. Boucherett, in the article already mentioned, says: "The wages of women in domestic service have risen by at least a third in the course of the last thirty years without any combination at all, simply by the law of supply and demand, and that same law would probably have done the same good office for women in all trades had natural causes alone been concerned. . . . Suppose, for instance, that parlour-maids were forbidden by an ultra humane

Home Secretary to work after nine in the evening, what would happen? Such an edict would be followed by the dismissal of hundreds of parlour-maids and the engagement of hundreds of footmen and pages, and by the lowering of the wages of the parlour-maids who were not dismissed." It is of course true that the wages of servants have escaped the general stationariness of women's wages. The principal reason is that they are not exposed to the same influences. Servants are not (in private houses) employed for the purpose of making a profit on their labour, and are in consequence exempt from that collective economic pressure which reduces to a subsistence level the wages of so many other industrial workers. Between mistress and maid the bargain remains an individual one, and moreover one in which the servant holds at least as advantageous a position as her would-be employer. Therefore, the fact that servants' wages have risen serves only to show that, where there is no economic pressure, wages do not tend to become depressed. Moreover, where the domestic servant is employed under economic pressure — that is where she is employed to produce a profit, as in a lodging-house—she is apt to suffer conditions of extreme overwork and hardship, and to receive, notwithstanding the excess of demand over supply, a very low rate of remuneration. A rough public

recognition of this fact is conveyed by the use of the expression "slavey." Another circumstance which has contributed to the rise of servants' wages is the growing and notorious unwillingness of girls to enter this unregulated trade. In spite of low pay and hard condition they persist in prefering the "restricted" trades. The apprehension that even so heroic a measure as the prohibition of work for parlour-maids after 9 P.M. would lead to a substitution of footmen is quite groundless. A footman is at least as difficult to procure as a woman servant, his wage is higher, and it seems to be admitted that he gives more trouble and does less work. A "job" waiter, employed during the "off" hours of parlour-maids, would no doubt be the solution of the difficulty. That the wages of parlour-maids might slightly fall is possible, but the reason would not be the diminution in the demand for parlour-maids but the increase in their supply, consequent upon the rush into a branch of domestic service that secured one absolutely free evening hour! So far from furnishing a triumphant example of the success of non-intervention, domestic service presents itself as a calling so unpopular that not even a high rate of payment can attract to it sufficient workers; while there is abundant evidence that the present conditions satisfy the employer no better than the employed.

Moreover it appears to be undeniable that the ranks of prostitution are recruited mainly, not from the ill-paid factory trades, not even from the cruelly irregular "season" trades, but from domestic service. Of the inmates of "homes" and "refuges," between seventy and eighty per cent. are declared to have been in service.[1] This fact suggests (*a*) that the opponents of legislation are in error in their often repeated opinion that legal "restrictions" tend, by driving women out of employment, to drive them to prostitution; and (*b*) that the instinct which causes women to prefer the regulated trades—in spite of low pay, hard conditions, and the necessity of going to and fro in all weathers—is a sound one.

To sum up the whole industrial position: we find, on the whole, a differentiation of the work of men and women which, in the vast majority of cases, prevents any direct competition between the two groups, the preference of either group over the other depending mainly upon differences in methods of manufacture; we find also that women,

[1] Mrs Hicks, speaking at the International Congress of Women, London, cited the higher percentage. Inquiries made some years ago by the present writer gave about 78 per cent. Even making handsome allowance for the possibility that, for various reasons, the class of domestic servants is more fully reached by such agencies than other classes, it remains pretty clear that domestic service furnishes in this country as many recruits to prostitution as all the remaining groups of women taken together.

not because they are women, or because they are non-voters, but because they are only transient workers, are less able than men (who are permanent workers, and, comparatively speaking, trained) to secure for themselves good payment, reasonable hours, or comfortable conditions. Women for these reasons tend to become industrial workers of a poor kind, and therefore industrial workers not really valuable to their employers, or, indeed, to the community.[1] That women, in the few cases where they do compete with men, should endeavour to oust men from employment by working longer hours and accepting less pay, is from every point of view suicidal. As individual workers they destroy their own efficiency; as members of a class they reduce their own income. For, however we may choose to talk of competition between men and women, the welfare

[1] "It is probably true that as a rule the highest paid labour is that which costs the employer least. This is evidenced by the two facts that, generally speaking, employers, when they reduce their force, discharge their lowest paid labourers first; and that, generally speaking, it is the countries where the lowest real wages are paid which feel the necessity of imposing commercial restrictions to keep out the products of others. Thus India, where the cotton spinner gets only twenty pence a-week, is flooded by the cotton of England where the spinner receives twenty shillings; and Russia, where the labourer in ironworks receives but three roubles a week, has to protect herself, or thinks she must do so, against the iron of England, where the workman receives four or five times as much."—Walker's *Political Economy*, p. 262

of working women is inextricably bound up with the welfare of working men, and the welfare of the whole community with both. It has already been shown in Chapter I. of this volume that it is never worth a nation's while to secure custom by accepting conditions of employment degrading to the workers. How much less, then, is it worth while for members, not only of the same nation, but of the same class, and sometimes even of the same family, to do so! The hope for England's industrial future—as for the industrial future of every nation—lies not along the line of poor and ill-paid work, but along the line of highest efficiency; and high efficiency comes only from a well-fed, well-paid, and not overworked body of operatives. There are, in England, several groups of men (and perhaps one group of women, the cotton workers) whose industrial employments (owing to voluntary organisation and legislative enactment) to some extent fulfil these conditions. There are, on the other hand, some groups of men, and a great body of women, whose employments fall far short of fulfilling them; and who are, themselves, entirely unable to secure that initial stage of improvement which is the necessary foundation of advance on their own account. To secure for them that initial stage is one of the nation's plainest duties.

APPENDIX.

BOOKS RECOMMENDED.

THOSE wishing to make a further study of the subject may find useful the following indications about the books and reports to be read.

The Factory and Workshop Acts now in force (together with the Shop Hours Acts and the Truck Acts) can be most conveniently studied in *The Law relating to Factories and Workshops*, by May E. Abraham (Mrs H. J. Tennant) and Arthur Llewellyn Davies (3rd Edition, 1901, Eyre and Spottiswoode, price five shillings). A clear statement of the law in simple language is given in Miss Mona Wilson's *Our Industrial Laws* (1899), containing a preface by Mrs H. J. Tennant, and published under the auspices of the Industrial Laws Committee. Some means of comparison between the laws of different countries is afforded by Miss Emma Brooke's *Tabulation of the Factory Laws of European Countries in so far as they relate to the Hours of Labour and to special legislation for Women, Young Persons and Children* (1898).

For the history of Factory Legislation no convenient work exists. The best is, perhaps, *Die Englische Fabrikinspection*, by O. W. Weyer (Tübingen, 1888), which is not translated into English. An earlier German work, *English Factory Legislation*, by E. von Plener, translated by F. L. Weinmann, with introduction by the Rt. Hon. A. J. Mundella (London, 1873), is antiquated and out of print. The casual reader can

only be recommended to piece together the history afforded by such works as Miss Victorine Jean's *Factory Act Legislation* (London, 1892) and R. W. Cooke Taylor's *The Factory System and the Factory Acts* (London, 1894); or to read the biographies of the reformers, such as Edwin Hodder's *Life of the seventh Earl of Shaftesbury* (London, 1886); Lloyd Jones' *Life and Times of Robert Owen* (London, 1889); and Chapter IV. on "The Factory Reformers" in H. de B. Gibbins' *English Social Reformers* (London, 1892).

More serious students will, of course, read the long series of Parliamentary Papers on the subject, the most important of which is, perhaps, the *Report and Minutes of Evidence of the Select Committee on Factory Children's Labour*, 1831, which is in Vol. XV. of the reports for 1831-2. With these should go such works as *The Manufacturing Population of England*, by P. Gaskell (London, 1833); *The Curse of the Factory System*, by John Fielden (London, 1836); and *The Ten Hours Bill*, by Philip Grant (Manchester, 1866).

For the economic and political theory of Factory Regulation, the student is referred to S. and B. Webb's *Industrial Democracy* (London, 1902), especially Part III. in Vol. II., and to the authors there cited, especially W. Stanley Jevons' *The State in Relation to Labour* (3rd Edition, 1894); Schäffle's *Theory and Practice of Labour Protection*, translated by Miss Amy Morant (London, 1893); Professor Brentano's *Hours and Wages in Relation to Production* (London, 1894); and *The Eight Hours Day*, by Sidney Webb and Harold Cox (London, 1890).

For New Zealand and Australian labour legislation see *The Long White Cloud*, by the Hon. W. P. Reeves, and a more detailed forthcoming work by the same author, entitled *Experiments in Seven Colonies*.

With regard to women's wages, and the actual circumstances of their employment in industry, the student will find

the principal sources of information cited and referred to in various chapters of S. and B. Webb's *Problems of Modern Industry* (London, 1898), notably that entitled "The Alleged Inequality between the Wages of Men and Women." The most valuable descriptions of the conditions of women's labour in England at the present time are those in Mr Charles Booth's *Life and Labour of the People*; the Reports on the Employment of Women by the Misses Orme, Collet, Abraham and Irwin (Royal Commission on Labour), 1893-4, C—— 6894; Miss Irwin's several reports on women's employment at Glasgow, 1896, 1897 (two parts), and 1900; Mr Seebohm Rowntree's description of York, entitled *Poverty*; and the volume about to be published (1901), under the auspices of the Women's Industrial Council.

The following are penny pamphlets: *How best to do away with the Sweating System*, by Mrs Sidney Webb (Co-operative Union, Manchester, 1892); *Women and the Factory Acts*, by the same (Fabian Society, London, 1896); *Labour Laws for Women: their Reason and their Result* (Independent Labour Party, London, 1900).

Current movements are best followed in *The Women's Industrial News* (the quarterly organ of the Women's Industrial Council, 12 Buckingham Street, Strand, London), and *The Women's Trade Union Review* (the quarterly organ of the Women's Trade Union League, Club Union Buildings, Clerkenwell Road, London). Both these Societies may be referred to for further information.

Other Societies dealing with the subject are:—

The Industrial Law Committee; Secretary, Miss Boileau, 5 Palmer Street, Westminster.

The Labour Laws for Women Association; Secretary, Miss L. Montagu, 12 Kensington Palace Gardens, London, W.

The Clubs Industrial Association; Secretary, Miss L. Montagu, 12 Kensington Palace Gardens, London, W.

The Scottish Council for Women's Trades; Secretary, Miss Irwin, 58 Renfield Street, Glasgow.

Any of these Societies will supply literature and lecturers.

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